

Critical Criminological Perspectives

# Ignorance, Power and Harm

Agnotology and  
The Criminological Imagination



Edited by Alana Barton  
and Howard Davis



# Critical Criminological Perspectives

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Alana Barton • Howard Davis  
Editors

# Ignorance, Power and Harm

Agnotology and The Criminological  
Imagination

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# 1

## Introduction

Alana Barton and Howard Davis

According to Ryan Beckwith (2018), United States President Donald Trump gave a recent interview to the *New York Times* in which he said something untrue every 75 seconds. The *Washington Post* found that in the first 347 days from his inauguration he made 1950 false or misleading claims. Nor were these small ‘falsehoods’. Trump has claimed, for example, that his predecessor Barack Obama wasn’t born in the United States and that he had wiretapped Trump Tower. He accused opposition Democrats of colluding with Russia and declared that millions of people voted illegally. According to Trump, thousands had celebrated the attacks of September 11 on rooftops, a spy had been planted in his campaign and rival Republican candidate Ted Cruz’s father had been involved in the assassination of President Kennedy.

One year before Trump’s election, the morning after the Brexit referendum result had signalled the most important British policy shift for nearly half a century, UK Independence Party (UKIP) leader Nigel Farage

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appeared on national television and announced that the crucial campaign promise that after Brexit £350 million a week would be spent on the National Health Service (NHS) had been ‘a mistake’ (Stone 2016a). He also denied having personally endorsed the claim, only for video footage to emerge the following day showing him having done precisely that—stating in fact that the money to do so would *exceed* £350 a week (Stone 2016b).

The shocks (to political ‘experts’ and opinion shapers at least) of the Brexit vote and of Trump’s election have heightened concerns that misinformation and lying are undermining democratic political processes. The perceived salience during campaigning of false stories, perhaps planted with the involvement of a foreign power together with the emergence of evidence that personal data was used to target and shape stories fed to individual social network users, has added to the idea that we have entered a new era of ‘post-truth’ politics. And there are, to be sure, new and very worrying developments in the generation of false ‘facts’ and fallacious reasoning. Some of these are technological and relate to unprecedented and accelerating industrial capacities of corporations, states and individuals to gather and misuse data. Fabrication, fakery and dissemination have never been so easy. The potentialities for ‘totalitarian’ control have never been greater. They far exceed what Orwell, or for that matter Stalin, could have dreamed of.

Other, non-technological developments are deeply concerning too. They may not be without precedent, but this does not make them less worrying. There appears to have been a shift in political norms and expectations: for example, that political leaders in a democracy should pay a price when they are found to have been lying. Expectations on the part of respective ‘in’ groups seem increasingly to be that when ‘their’ leader is exposed as dishonest or even corrupt, this can be dismissed, perhaps even laughed off, as, ironically, ‘fake news’. For many, it is revealed, neither evidence nor reason trump opinion or prejudice. Some political players indeed have cultivated a clownish buffoonery to pander to their audiences. Here, the generation of ignorance ‘from above’ is matched by the active *ignoring* of clear evidence ‘from below’. Unsurprisingly, the manufacture of ignorance around current financial, economic, social and environmental crises has built upon the strategies



deployed in narrower, more-focussed sectional campaigns close to the hearts and bank accounts of the wealthy and super wealthy. It draws from and builds upon longstanding campaigns to discredit movements threatening the regulation of the pursuit of profit: tobacco; climate change; finance; workers' health and safety; inequality. Taken together, the urgency of these current assaults, undermining knowledge and understanding, and the harms that follow, have been important motivators for the contributors to this book.

However, it is important not to see 'fake news'—to use the term ironically popularised by its populariser-in-chief—or the generation and exploitation of ignorance more broadly as new. Well before the 2008 crisis, the chronic failure of neoliberalism to deliver upon its promises had become increasingly managed by a combination of 'spin', mass-media compliance and the capitulation of 'progressive' politics to neoliberalism itself (Streeck 2016). But of course the deliberate manufacture of ignorance has a much longer, and a far darker, history than the past few decades. To take just one example, towards the end of the nineteenth century, King Leopold II of the Belgians decided that he wanted an empire. Amidst a 'scramble for Africa' in which various European countries seized vast tracts of African land Leopold settled on 'unclaimed' expanses of the Congo Basin. Reaction to his endeavours among American and European contemporaries was at first overwhelmingly positive. As Adam Hochschild has noted (2006: 92):

Leopold won much praise for his patronage of Christian missionaries in his new colony; he so impressed people with his vigorous denunciation of the slave trade that he was elected honorary president of the Aborigines Protection Society, a venerable British human rights organisation. ... To the king's great satisfaction Brussels was chosen as the location ... for an Anti-Slavery Conference of the major powers.

What transpired was one of the worst colonial atrocities in European colonial history. A Belgian government commission concluded that the population of Leopold's domain, enslaved in service of the pillage of rubber and ivory was halved. As Hochschild concludes, 'this would mean that according to the estimates, during the Leopold period and its

immediate aftermath, the population of the territory dropped by approximately *ten million people* (ibid.: 233 emphasis added).

Although there are many other examples of the generation, denial, minimisation or legitimisation of colonial genocide (see, e.g., Davis 2017; Woolford and Benvenuto 2015; Lawson 2014; Guettel 2013; Kreike 2012; Bellamy 2012; Groen 2012; Morgan 2012; Raben 2012; Shaw 2011; O'Regan 2010; Madley 2004, 2005), the case of the Congo is interesting for a number of reasons. The first reason is that even over a century ago, there were strikingly 'modern' elements to Leopold's activities. Economic strains at the dark heart of this particular colonial barbarity are familiar in type to state—corporate harms elsewhere (see Ward 2005). Equally interesting to the modern eye however was the way that his acquisition and exploitation of the Congo were respectively realised and disguised through shrewd, duplicitous public relations. Stronger European powers had their own ambitions in Africa, and Leopold initially lacked popular support for his venture in Belgium itself (Hochschild 2006). His solution was to devise a very familiar public relations strategy that portrayed his own aspirations as purely humanitarian. This was successfully achieved, deceiving Africans, Americans and Europeans through a combination of media management, state-corporate sleight of hand, judicious funding and bribery, political lobbying and celebrity endorsement (ibid.). Leopold even had to silence a sex scandal that threatened to derail his plans. He was able to exploit discourses of Christian benevolence and African vulnerability to 'Arab slavers'. As in succeeding genocides, crimes against humanity and other mass harms, the success of Leopold's strategy was due, in large part, to the capacity of those involved to wilfully ignore what they saw or suspected. Whilst his enslavement and the deaths of millions of Africans would eventually draw the attention of Liverpool shipping clerk, E.D. Morel (who launched what became an extraordinary global campaign against Leopold), many others must have noticed, as he had, that whilst ships from the Congo arrived in Antwerp laden with rubber and ivory, those returning were empty of the means to pay for these goods. Rather, their cargoes comprised the human and technical instruments of domination. But if they did notice, these others did not act. They ignored. And they were—wrongly—ignored in their turn by history. History is forged around silences as much as it is by the noise of battle or the words of great oration.

The second reason for the example of Leopold's personal acquisition of the Belgian Congo in the late nineteenth century is that it represents a truly horrifying example of the most extreme consequences of state-corporate deception. As is the case with other terrible crimes of this nature, the number of dead will be never be accurately known. But whether the dead human beings numbered more or less than ten million, the incomprehensibility of the crime exemplifies resoundingly that the manufacture of ignorance is not a 'mere' academic issue or a matter for a 'liberal' or 'academic' opinion. It is not, despite the clownish buffoonery of key contemporary actors, a laughing matter or a political game to be played among self-styled elites. History shows quite clearly that it is a matter of life and death. It should not need stating that it is clearly, from our zemiological perspective, a criminological issue.

A third point to be made about Leopold's crimes is that he was able to exploit, as have other perpetrators of mass harms, deeply embedded and dehumanising ideology. What Stan Cohen (2001) termed interpretive and especially implicatory denials of his atrocities were only possible through the widespread acceptance of racial falsehoods. The belief was in this case, as in others then and later, 'that there are certain groups of people who, by dint of some assigned characteristic, ought to be excluded from the moral and legal protections normally owed to humans' (Bellamy 2012: 161). It has perhaps been a shocking revelation to some in recent years that capacities for human deception and self-deception through the targeted application of outsider, 'othered' status have remained as undiminished as they have.

Whilst in many ways human understanding has developed, deepened and extended extraordinarily in the century since Leopold died, so too have technologies, strategies, techniques and resources available for ignorance generation. Not least, whole new academic disciplines have arisen to provide research and training for information shapers, including manufacturers of ignorance. Scientists have repeatedly demonstrated their willingness to be bought off by special interests and provide scientific and pseudo-scientific 'cover' for their activities. Where state and corporate harm are eventually revealed, avoidance or minimisation of 'reputational damage' become the objectives, with strategy and tactics overseen by public relations 'crisis management' experts. In this world, harm has become of secondary importance to how it can be made to be perceived.

The fields of representation, perception and deception are not, of course, new areas for criminology. Silencing and denial in obscuring state crimes and evading responsibilities have been cogently examined in recent years by, amongst others, Cohen (2001) and Hallsworth and Young (2008). Tombs and Whyte (2003) have researched the neutralisation of accounts of the injurious actions of states and corporations. A collection of work has exposed the concealment of official agencies' harmful and/or criminal actions (Scraton 1999; Shaw and Coles 2007) and the mendacious punishment of the innocent (Naughton 2007, 2014). Paul Gilroy used the terms 'agnotology' and 'agno-politics' to describe the relationship of ignorance to power in the production of 'new racism' (2006a) and the 'prosecution of an apparently interminable war in which information [...] is lodged inside the military campaign as an element of the conflict' (2006b). More widely there is an extensive analysis of the media dissemination of untruth and authors who have written around similar topics but in disparate disciplines and traditions (e.g., Theodor Adorno, Hannah Arendt, Zygmunt Bauman, Danny Dorling, Frank Furedi, Henri Giroux, Joseph Stiglitz) have been embraced by criminologists seeking to expose the ignorance around the aetiology of 'crime' and social harm and to challenge their perpetrators.

The chapters in this volume continue this tradition of uncovering the methods of obfuscation, neutralisation and denial, employed by the powerful, in order to minimise or disown responsibility for crimes and harms. The aim is two-fold. First, to consolidate and develop the existing range of empirical and conceptual work in this area within the theoretical framework of agnotology. Second, to establish this framework as an important analytical tool for the discipline of criminology.

In the following chapter, the editors, with Holly White, set out a conceptual framework for 'agnotology' and reflect on its usefulness for the expansion of a zemiological criminology. Drawing on two case studies, the authors explain how mass harms are obscured, denied or otherwise neutralised. The first case, the corporate-constructed agnosis over the use of asbestos, demonstrates how corporations can kill hundreds of thousands of people, yet avoid criminal sanctions. The second case study reflects on the Holocaust and the role of agnosis in this most extreme form of state-generated harm. Despite its scale, and in contrast with

attention received from other disciplines, criminology has remained remarkably taciturn about this crime. The authors thus maintain that the central zemiological purpose of an imaginative criminology—that is the understanding of and the struggle against major, often fatal, harms—cannot be undertaken without systematic and rigorous attention to the construction, dissemination and acceptance of ignorance.

In Chap. 3, Mark McGovern explores how counterinsurgency, as the practice of the organised violence of empire, effectively operates through the production of ignorance, doubt and disinformation. He begins by presenting crucial connections between race, imperialism and ignorance as a means to understand the theory and practice of this form of state harm. Further he examines the ways in which imperial wars and crimes of the past become subject to ‘organised forgetting’ so as to create and maintain support for reoccurrences of such state action. Using the US military’s Human Terrain System (HTS) as an example, McGovern unpacks the role of social science itself in the cultural production of ignorance in and of counterinsurgency as part of the ‘War on Terror’.

In Chap. 4, Anthony Keating focuses on the institutionalised abuse of Ireland’s ‘looked after’ children from 1922 to 1973. He explores how the determination of the post-colonial elite—from the Church and State—to uphold the founding myths (around religiosity, purity and virtue) and the legitimacy of the Irish Free State established a political and social culture of denial and ignorance. The purpose was to silence and invalidate public recognition of the uncomfortable truths around sexual exploitation, ‘morality’ and social conditions. So powerful was this strategy of agnosis that those who presented a challenge to it became reviled, feared and effectively ‘denationalised’. Keating argues that the children of Ireland’s industrial and reformatory schools, by their very existence, posed an affront to this carefully constructed framework of ignorance and through their subsequent ‘othering’ became subject to abuses that remained unchecked for decades to follow.

Steve Tombs, in Chap. 5, focuses on the aftermath of the financial and economic crises that materialised in 2007. He analyses the ways in which the causes and nature of this neoliberal catastrophe were reframed, through the construction of economic, legal, political and social ignorance, in order to deflect blame from those responsible and to recast the

neoliberal order as something that ‘had to be saved’. The consequences of the financial ‘bailout’ were felt most sharply by those who were already the most vulnerable in society. Yet, as Tombs argues, political and popular consent for this strategy (in the UK specifically), marshalled through blaming and framing techniques that relied on induced intolerance and deliberate deceit, provided the basis for the continuing dominance of neoliberalism as a way of organising and understanding the world.

Chapter 6, by Elizabeth Stanley and Riki Mihaere, offers an analysis of the ‘penal capture’ of Māori prisoners in New Zealand. The authors consider how Māori imprisonment has become normalised and perpetuated through different levels of systematically managed ignorance, across multiple sites of power. They focus on three methods of achieving agnosis (the pathologising of Māori people, the re-framing of Māori culture to suit correctional interests and processes and the denial of structural disadvantage, institutionalised racism and state violence as explanations for ‘crime’), constructed in order to obscure the neo-colonial contexts that propel high rates of Māori imprisonment and entrench systemic disadvantage and marginalisation. Mihaere and Stanley conclude with a reflection of how ignorance may be resisted through the production of alternative knowledge and actions.

In Chap. 7, Victoria Canning examines the UK’s response to the so-called refugee ‘crisis’ which, from 2015, saw an escalation in the extent of refugee camps and in the numbers of refugee deaths at Europe’s borders. She critically analyses the role played by the UK (and Britain in particular), through its involvement in conflict, arms trading and the creation of economic instability, in the making of this humanitarian catastrophe. Further, Canning argues that the expansion of stringent border controls has served to obscure the realities of refugee movement and border deaths which, in turn, has facilitated a sense of ignorance and collective denial around these cases of human suffering. In other words, agnosis has allowed the UK to indulge in a sense of ‘unknowing’ even when it has become impossible *not* to know.

Chapter 8 explores the extent and power of ignorance around global climate change. In this chapter Reece Walters scrutinises the discourse of climate change denial, its pervasiveness amongst certain political offices and corporate industries and its potentially devastating consequences for

the planet. Focusing on the ‘agnosia’ created by powerful elites, he argues that dismissiveness towards and denial of climate change are methods through which the environment is exploited for political *and* profitable purposes. Walters notes that for some, climate change denial can be considered a form of ‘intentional killing’ or an act of ‘ecocide’ and thus considers how the discipline of criminology, or specifically the sub-discipline of green criminology, can challenge the construction of this potentially devastating form of ignorance.

Continuing the discussion on a theoretical terrain, in Chap. 9, Alex Dymock focuses on how the study of ignorance is useful for a critical appreciation of the recent ‘visual turn’ in criminology. Visual criminologists have argued that visual evidence of harms, particularly those perpetuated by the state, has the potential to produce counter discourses to challenge official narratives. Dymock, through a review and analysis of classic theories of photography and spectatorship, contests this claim on two fronts. First, she posits that photographs of harm and suffering often merely reproduce official and state perspectives or else are so unbearable for the viewer to witness that they actually provoke a desire to ‘un-see’. Thus, in such instances, the image may not proffer knowledge but, rather, produce ignorance. Second, whilst the visual image may have the potential to challenge dominant understandings and emancipate, Dymock reminds us that it is not photographs themselves that carry this power, but rather it is viewers who are the active producers of meaning. If viewers’ frames of reference are influenced by official narratives, then it is possible that their interpretation of images will be shaped by ‘ignorance’ as much as, or more than, knowledge.

The book concludes by shifting focus onto the ‘everyday’ domain of criminal justice. Whilst an agnotological zemiology compels us to scrutinise large-scale crimes of the powerful, the widespread harms caused by global structures and practices and, consequently for criminologists, the essential conceptual foundations of criminology itself, it is easy to lose sight of the fact that agnosis routinely underpins the day-to-day functions, and harms, of criminal justice practice. Fittingly then, in Chap. 10, David Scott considers the much publicised ‘causal relationship’ between prison officer numbers and prisoner violence as a form of ‘penal agnosis’. Drawing on the work of Cohen (2001) and Mathiesen (2005),

he examines historical and contemporary evidence regarding the deeply embedded harms and violence of penal confinement and explores how 'silencing' techniques are deployed to neutralise criticism and, moreover, to ensure that harmful practices (such as prison *and* prison officer violence) become 'isolated in the present'.

In sum, trying to be mindful both of the current and historical significances of 'agnosis', what we offer here are various perspectives on why and how the generation of ignorance is of central importance to criminology. The authors in this volume share a zemiological orientation, critiquing rather than simply accepting state definitions of crime and criminality and focusing attention on harms that are generated, impact and are accounted for at micro, meso and macro levels. It is writing from these perspectives that we aim to highlight the relevance and pressing criminological urgency of a sustained critique of ignorance and its production.

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# 2

## Agnotology and the Criminological Imagination

Alana Barton, Howard Davis, and Holly White

### Introduction

Historically, criminology has been bound to a state-produced account of ‘crime’ and the ‘truth-claims’ of the criminal law. This has resulted in a ‘conceptual straightjacket’ (Barton et al. 2007: 202) that has facilitated a disciplinary silence around (and worse, complicity in) some of the most extreme harms of the twentieth century.<sup>1</sup> In recent years critical criminologists have posed significant and successful challenges to these disciplinary restraints. This has entailed a shift of focus onto the production of social harm (Dorling et al. 2008; Hillyard and Tombs 2004; Hulsman 1986) through a re-articulation of ‘crime’ as a broad range of harmful behaviours which impact upon health, wealth and well-being. The first

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point to state here is that this chapter takes a zemiological approach. Zemiology, locating harms within relations of power and interrogating rather than tacitly accepting their criminal/non-criminal status, aims to realign criminology with what Mills (1959) termed 'the promise' of social science.<sup>2</sup>

Within this context we reflect here upon 'agnotology'.<sup>3</sup> Described as the 'shadow' of epistemology (and sometimes referred to as 'anti-epistemology' or 'non-knowledge'), agnotology explores the social and political underpinnings of 'endless new forms of ambiguity and ignorance' (McGoey 2012: 3). Initially presented as an analytical tool in the fields of science and medicine, agnotology has significant resonance for a zemiological criminology, given the role of ignorance in both generating and securing acquiescence in mass harm. Typically originating within state-corporate symbioses of ideology, policy and practice, 'crimes of the powerful' include harms inflicted through health and safety violations, 'security', criminal justice, social and economic policies, war, disaster and environmental destruction. In each case real harms are obscured, denied or otherwise neutralised. 'Doubt', intentionally generated or not, envelops knowledge derived from careful research and even accounts from first-hand experience and observation. Purposive remedy or resistance is often diluted or deflected.

In short, the central zemiological purpose of an imaginative criminology—the analysis and understanding of major harm—cannot be undertaken without systematic and rigorous attention to ignorance. Contemporary physics postulates invisible 'dark matter' and 'dark energy' to explain what is observable in the natural universe. Analogously, analysis of the generation and sustenance of ignorance—the absence of, imperfect or false understanding—can illuminate the understanding of humanity's worst crimes and catastrophes. It offers the exposure and dissection of myriad combinations of false beliefs, unfounded assumptions and wrong-headed reasoning that quietly or not so quietly usher humanity towards peril, suffering and loss. Ignorance is not a diet solely of the 'uneducated'. Its leading proponents are often well educated, peddling myths and lies to their own advantage. Nor is it the preserve of deviant minorities. Ignorance production and consumption implicate the respectable, conformist subject as much as the troublesome deviant. An agnotological interrogation of

crimes of the powerful, indeed, is as much about understanding our obedient selves as it is about understanding the dysfunctional ‘other’.

As explained in the previous chapter, ignorance is not unexplored within criminology. However, the contention here is that ignorance production is so deeply entrenched that it requires urgent, systematic and sustained attention as a central element of zemiological endeavour and challenging through mechanisms Kramer et al. (2010: 249) capture with the term ‘organic public criminology’. It is a contention given weight by the emergence of public concerns about the impact of false ‘facts’ and stories in dramatic referendum and election campaigns in 2016 and given spectacular emphasis through the brazen and extraordinary lies of President Trump after his inauguration. As ignorance production has become an industry in itself—in ‘spin’ and public relations, for example—an almost Orwellian social and political landscape has emerged in which ‘doublespeak [...] half-truths and lies [are] used to justify policies and actions which are in opposition to established norms of morality and decency’ (Hersh 2004: 3). Both the high and social politics of ignorance require analysis at the micro, meso and macro levels of harm generation and rationalisation.

## Ignorance, Ignoring and Criminology

### States and Acts of Ignorance

We can recognise a number of ways in which we or others might be in a ‘state of ignorance’ (Smithson 1990). Here we can make four overlapping distinctions: an *absence of knowledge*—where facts are not known; a *false knowledge*—where ‘facts’ are ‘known’ with certainty but are actually false; an *absence of understanding*—where there are deficits in knowledge and/or a *false understanding*—where there are failures in the *sense-making* around such facts, uncertainties and falsehoods.

Thus, acknowledging the epistemological simplification involved, ignorance around harm might be envisaged in terms of a relatively simple continuum. At one end is the ‘native’ state of ignorance. Harm or the risk

of harm from a particular act, process or product—discharging pollutants into the atmosphere, or consuming tobacco, alcohol or asbestos, for example—is simply not suspected. *There are no doubts* about safety, to put it another way, and hence no need for ‘false knowledges’ because dangerousness is not even suspected. For those who *are* actually being exposed unwittingly to harm here, this is clearly a bad thing. Conversely, for those with an interest in the legal or criminal enterprise concerned, there is value, monetary or otherwise, in this state of ignorance and an interest in its continuance. However, this value is threatened if an awareness of risks of harm begins to gather. *Doubt* emerges about the process or product in question. At first this may be only suspicion or anecdote, but over time more systematic and reliable evidence may accrue. At this point there may be an interest for some in minimising or neutralising new and inconvenient knowledge. This might be accomplished, for example, by muddying the evidential waters, providing false factual evidence (false knowledge) and/or alternative—flawed—means of interpreting and understanding it (false understanding).

Thus we move from states of ignorance, that is to say *being* ignorant, to *acts* of ignoring (Smithson 1990) and the *activity* of generating or maintaining ignorance in self or others. This is the terrain upon which most agnotological struggles are fought. A technical question emerges: how can individuals, groups and perhaps even entire populations be induced to ignore? Strategies to this end may vary but their key purpose is to maintain states of ignorance about risks and harms associated with an activity or product to ensure the latter can continue. As certainty of safety is replaced by doubt—that is to say, *we don't know* but we *suspect* the presence of real risks—one strategy is to cast doubt on our doubts, through for example, ‘false precision’ in the use of reassuring but flawed probabilistic risk calculations (Smithson 1990). The denigration of emerging concerns may be accompanied by the sponsorship of favourable but biased academic research. The successful propagation of agnosis (doubting the evidence of risk) may bring substantial rewards. First it may allow harmful but lucrative activities to continue. Second, successfully asserting plausible ‘ignorance’ of risks may be useful later, should harms materialise and questions of responsibility be raised (Davies and McGoey 2012; McGoey 2012).

‘Ignoring’, as an act or an activity, may be relatively simple to conceive at an individual level. But in terms of crimes of the powerful, we are usually discussing large organisations, even states. We may be thinking more broadly still, asking how whole societies can ignore what happens within them, asking how ignoring becomes central to, and is rooted in, political, economic and cultural relations? These involve the active cultivation of states of ignorance *and* acts of ignoring among others, whether citizens, subjects, followers, ‘bystanders’, employees or consumers. Individuals and groups are induced to *act* or to *acquiesce* in ways they might otherwise not. Absent or false knowledge and understandings can variously offer motivation, excuse and mitigation for the perpetration of even the most harmful actions. Equally significantly, they may induce apathy in the ‘bystander’ or even the victim—allowing harm to continue unimpeded.

## Manufacturing Ignorance

Ignorance production is not unstructured. As Tuana notes (2008: 140), ‘far from being a simple, innocent lack of knowledge—[it] is a complex phenomenon, which like knowledge, is interrelated with power’. It is generated and embedded through various levels, reflecting at each structural relations. As harms of the powerful originate in, and are perpetrated according to, the priorities and operating cultures of powerful institutions and organisations, accounts *of* them are neutralised within the dominant regimes of truth and sustained by the hierarchies of credibility and influence. At a ‘micro’ level this is observable in the culturally and sub-culturally sustained ‘everyday’ silences and myths within and between organisations: about the sort of practices of which many employees, for example, will be aware but will simultaneously know *should not be publicised* (Mathiesen 2004). Whilst often informal, such ‘self-censorship’ is not only powerful in itself, it is buttressed by formal disciplinary procedures and legal obligations, around reputational damage and confidentiality. At a *meso* level, there is the more formal and professionalised production of organisational stories in which less-than-positive realities are smoothed away, casualties of omission and de-emphasis. This

de-blemishing of reality can be so pervasive that it becomes invisible. Colleagues need take just a moment to look at the websites of their own universities (and this is true of virtually all competent organisations); they will see a reality that is unfamiliar. The only faces that are not smiling are laughing or pleasantly studious. The sun is always shining and the campus glitters. Every story is positive. 'Public relations' becomes distortion (Conway and Oreskes 2010). Contextualising all, at a *macro* level there are, within dominant ideologies, features of social and cultural organisation that structurally pervade, confine and shape local knowledges, restricting intellectual and empathic imaginations and understanding of our social worlds and our biographies within them. In 'everyday' organisational life, for example, the hierarchical and functional divisions of labour and the associated demarcations of knowing and not-knowing foster narrow technocratic and bureaucratic instrumentalism. On one level this can lead to disastrous 'system failures'. More deeply, as individuals confine their intellectual and technical curiosities and responsibilities to narrow instrumental tasks at hand, the terrain is created where moralities wither, ethics become proceduralised, formulaic or redundant and deeper social interests, values and purposes lose relevance. Social, political and moral indifference can prevail. The twentieth century demonstrated conclusively how easily ordinary 'law-abiding' people, 'wilfully ignorant' of processes beyond their immediate concerns, could be occupationally oriented towards barbaric goals. Manufactured deception and doubt moreover obscure causal links between organisational activities and their harms, blurring responsibility and deflecting justice (Davies and McGoey 2012). Logically, if claiming a state of ignorance is likely to be useful in future alibis or mitigation, this possibility is likely to feature in current, socially situated calculations around action choices, rationales and their recording (or otherwise).

Throughout state-corporate and associated organisational and cultural structures, the industrial propagation of misinformation, the suppression of inconvenient truths and the strategic promotion of faulty, if not incoherent, reasoning have become 'facts of life'. At the extreme, deliberate lies are presented as truth and a world of increasingly mediated hyper-unreality, maximum obfuscation is ensured by massive quantities of excess noise pumped into discussion (Mirowski 2014). At the same time



preferred narratives become ubiquitous through the repetition and multiplicity of sources (ibid.). False knowledge and understandings are now generated amidst a cacophonous and accelerating visual/virtual mediated world, in which the selection and 'episodic' framing of an issue that 'attends to circumstances as they proceed without historical context' (Tracy 2012: 516) maximise (at best) *some* segments of factual 'knowledge' whilst undercutting depth, thoughtfulness and understanding.

Notwithstanding the spectacular disorientation and dishonesty of the 45th President of the United States, it is important, if obvious, to remember that deploying deception and deceit in the service of ignorance is not new. One danger here is that the brazenness of dishonesty in recent political campaigns could obscure more ordinary processes of agnosis, quietly, unremarkably shaping victimisation and providing its cover. It may also lead us to a false idea that ruthless and extensive ignorance production is only a recent phenomenon. Neither is the case.

Many more examples could have been presented here around: climate change; licit and illicit drugs; 'drug-foods' (such as sugar); protest; war; terrorism and 'security'; migration; the list goes on. But for brevity's sake we consider just two cases. First, we discuss corporate constructed agnosis over the use of asbestos that has allowed corporations to kill hundreds of thousands, yet avoid criminal justice. Second, we outline agnosis in the most extreme form of state-generated harm: crimes against humanity and genocide. The mid-twentieth century saw pseudo-scientific racial theory combine with the structured intellectual and empathic de-imagination of a brutal modernism in the Holocaust. Despite its scale, and in contrast with the attention from other disciplines, criminology has remained remarkably taciturn about this crime.

## Asbestos: A Century of Corporate Killing

It is not possible to give an accurate figure for those who were killed by asbestos during the twentieth century. Recording of deaths due to occupational illness, especially across jurisdictions, is unreliable and the long latency of asbestos-related conditions and the extent of exposure multiply the uncertainty. But estimates from the Centre for Disease Control and

Prevention suggest the order of 200,000 deaths between 1999 and 2013 in the US alone (Asbestos Nation 2016). It is estimated that future deaths in Australia and Europe will number between 500,000 and 1,000,000 and a further 1,000,000 in developing countries (Joshi and Gupta 2006). Yet the first point about asbestos is that its dangerousness has long been known (albeit mainly by a powerful few) (Tweedale and Warren 2004). Its lethal potential was first questioned over a century ago and a UK inquiry commissioned as early as 1928 determined that well over a quarter of asbestos factory workers had asbestosis. Yet, its fatal use continued, legally—albeit subject to regulation of varying degrees of inadequacy—across much of the world, until the end of the century. Turner and Newall, Britain's first and largest asbestos producer, admitted in 1982 that it still carried no health insurance for asbestos claims (Tweedale and Jeremy 2006). Its use was only made illegal in the UK in 1997 and only comparatively recently have very limited measures of 'justice' been gained through tort.

How was this catastrophe allowed to happen? How did justice remain undone and what does it tell us about the social, economic and political systems that sustained it? Approaching these harms requires the exploration of ignorance as a social activity. Put simply, corporations used a variety of means to deny, obscure and counter lethal truths about their products. They were (and it has been argued, are still) aided in so doing by the applied expertise of allied professionals—in the academy, in law, accountancy and public relations, for example. That mass killing continued for so long, therefore, implies complex levels of culpability and complicity going far beyond the asbestos industry itself.

In the United States, Australia, South Africa, Canada and the United Kingdom, industry management avoided or muddled discussion around asbestos' lethality. In the United Kingdom, for example, the Board of Turner and Newall made no official statements to shareholders about the dangers of asbestos for a *30-year* period between 1937 and 1967 (Warren 2002). When a statement was finally made, amid rising concern, it was only to assert that there was 'no known health risk associated with the normal handling of processed asbestos goods ... no proof that asbestos causes mesothelioma, [that] it [wa]s by no means the sole cause of the disease ... [and that] [t]he chances of

anyone in contact with asbestos contracting this complaint [we]re very small indeed' (cited *ibid.*: 19). Yet by this time the company management and medical officers were 'well aware of th[e] growing body of evidence regarding the asbestos hazard', including the danger of even small amounts of asbestos (*ibid.*: 19). Indeed, the development of asbestosis as early as the 1940s should have led to serious action and urgent further enquiry (*ibid.*). The company attempted to suppress research on asbestos and lung cancer commissioned by its own board. When public concern finally did elicit action, 20 years later, it was only the setting up, in partnership with other companies, of the Asbestos Information Committee (AIC), which employed public relations specialists to counter negative publicity (*ibid.*). The AIC, clearly happy to maintain victims' ignorance, advised its members 'never [to] be the first to raise the health question, always to make clear their concern, to emphasise rarity of the disease's occurrence, to stress that control measures [we]re in place, and to always mention the indispensability of asbestos' (*ibid.*: 19).

In some cases if, out of court, it was decided that 'officially' there was no claim but that there were mitigating circumstances, Turner and Newall made *ex gratia* payments (Tweedale and Jeremy 2006). Poor compensation levels helped maintain the low profile of asbestosis (*ibid.*). In sum, the company did all it could to maintain silence over the deaths its products were causing. Animal research data was suppressed, cancer data was concealed, epidemiological studies were not completed, false and misleading safety reassurances were issued and dangerous legal claims cases were settled out of court without admission of responsibility or disclosure of medical information (*ibid.*). *Even when the lethality of asbestos had become clear:*

[t]he company's health and safety policy was directed at minimisation and denial. This meant, *inter alia*, failing to treat many legitimate asbestosis claims sympathetically; misleading the government regulators about asbestos related disease in shipyard insulation workers; attempting in the 1950s to suppress research about the carcinogenic potential of asbestos; and in the 1990s doggedly contesting 'bystander' mesothelioma claims from environmental exposure. (*ibid.*: 117)

The promotion of ignorance about asbestos took a variety of forms around the world. In South Africa, by ignoring the social context within which asbestos was produced, researchers ensured that ‘knowledge produced by British and South African scientists was never deployed to address the health needs of the black majority [and] nor was it meant to’ (Braun 2008: 73). In ‘the racially segregated society of South Africa, a narrow notion of causality [and consequently narrow technical solutions] rendered asbestos-induced diseases almost completely invisible’ (ibid.: 59). In Australia, James Hardie Industries Ltd. decided, quite literally, to leave its responsibilities for asbestosis and mesothelioma sufferers behind it. Moving its operations to the Netherlands amidst a carefully coordinated public relations strategy (Moerman and van der Laan 2007; Howell and Miller 2006) that emphasised its ‘business case’ and ‘shareholder value’ to a business audience, it left its victims a ‘generous’ compensation fund that, behind duly supportive accounting, was actually ‘technically insolvent from its inception’ (Moerman and van der Laan 2007: 364). Chains of responsibility were obscured through the use of subsidiaries and ‘corporate veil’ legal doctrine (Hills 2005). In the United States similar strategies of suppression and corruption of medical evidence, lobbying and out of court compensation or settlement also underpinned asbestos production (Egilman et al. 2008).<sup>4</sup>

The historical ubiquity of ignorance production around asbestos undermines explanations that might highlight organisational ‘deviance’ as the problem. Rather, asbestos disasters would clearly seem to have their origins in much more ‘normal’ corporate behaviours. Nor should we be tempted to see asbestos as a matter that has passed into history. Asbestos production continues today and continues to draw on supportive science. In a long association with McGill University, for example, the Quebec Asbestos Mining Association has developed the argument that substances *other* than chrysotile asbestos have been responsible for the illness and deaths attributed to it. Egilman et al. (2003) have heavily criticised research supporting this position for the undercounting of lung cancer deaths, manipulation of cohorts, losing pathological specimens from dead miners and reaching false and misleading conclusions.

Throughout its long history asbestos ignorance production has been an exercise in obscuring clarity and exaggerating doubt. This has been, to

be clear, the enterprise of educated people. Business leaders, middle managers, propagandists, politicians and the artists of public relations have often responded enthusiastically when it has been in their career interests to do so. In the academy itself, as Egilman et al. (2003: 552) note, ‘industry friendly research can ... anchor an academic career by guaranteeing the steady stream of funding necessary to stay afloat in the “publish or perish” environment of the university’. Such scientists, they argue ‘must know’ of the deadly effects of their research ‘extending far beyond their offices or laboratories’, especially into the developing world where ‘the death toll ... is likely to be staggering’ (ibid.: 552).

In summary, the asbestos industry sought, over several decades by various means—and in ways which required the compliance of employees and the support of outside professionals and officials—to create a field of ignorance. Significantly for criminology, and rather obviously for critical zemiology, conformity rather than deviance were the key social problems here. Widespread ignorance cannot be produced by senior individuals alone: it relies upon employees—direct or indirect to ‘just’ do their jobs. Over the course of the twentieth century the industry’s strategies were, we should not forget, very successful and the rewards considerable. In the mid-twentieth century Turner and Newall issued share dividends outstripping most rivals in the chemical sector (Tweedale and Jeremy 2006). Threatening evidence was suppressed or neutralised. In the twenty-first century the interrogation of what Thomas Mathiesen has called ‘silent silencing’ within the organisations in which we work is a clear and urgent priority in confronting combinations of corporate harm and the power, threat and reward upon which it rests.

## **The Holocaust: Ignorance, Crimes Against Humanity and Genocide**

Criminology itself shares responsibility for the horrors of Nazism. It was acquiescent and even complicit in the processes that led to the Holocaust (Rafter 2008). Over 70 years later the crimes of Nazism are still generally seen as a matter for others—historians, political scientists, lawyers and psychologists. Typically they are placed quietly beyond and behind a

discipline habituated to the present and to focussing its gaze downward rather than upward. But exceptional crimes should not be excepted from our concern. They do not, after all, materialise from nowhere. Whilst often triggered by crisis, they have roots in disturbingly familiar dynamics. Rather than 'transhistorical[] ... irrational outbursts ... genocides [and we might add, crimes against humanity] represent the *logical* outcome of the *normal* processes of specific social systems at specific points in history' (Wenger 1997: 73).

So how was murder on such a scale perpetrated so successfully? In what ways was ignorance significant in its genesis and longevity? There are two issues of criminological significance here. First, the Holocaust emerged within the conjunctural mainstreams of modern 'progress' (Bauman 1989). It was underpinned not by mindlessness but by racial and economic 'science'. It was initiated by professionals and ultimately became a vast bureaucratised and industrialised project. Second, it comprised crimes committed by 'ordinary people' (Browning 1992). People 'like us' committed mass murders and rationalised them as necessary and even honourable (see Orth 2000; Browning 1992). Implicated were the normal as much as the abnormal, the legal as much as the illegal and conformity and obedience as much as deviance and disobedience. They demand the interrogation of the social sense-making and *wilful* ignorance of those involved and of the lies, myths and catastrophic anti-knowledges of Nazism.

That is to say, mass murder was not mindless: it did not lack rationales. Different organisations, in different places, with differing interests and priorities found that killing offered effective pragmatic solutions to local war-related crises (Kershaw 2008; Longerich 2010; Welzer 2008). Shortages of food and labour and fears of epidemics or resistance, for example, provided respectively, local impetuses towards enslavement and extermination (Lawson 2010). Material pragmatics, whether local, national or international, however, did not diminish the importance of ideas in driving, shaping and legitimising the homicidal tide of the 1930s and 1940s. These were not necessarily 'unrespectable' ideas. But they were false and lay within fundamentally flawed and corrupted systems of intellectual and moral reasoning. For example, sociological and demographic-economic theories became highly influential in pre-war

Germany. Flawed mathematical equations linking feeding capacity, living standards and population size provided a Malthusian logic for reducing population through ‘casualties of war and the deliberate killing of people ... in the interests of maintaining economic equilibrium’ (Aly and Heim 2002: 61). The false economic ‘necessity’ of expansion encouraged the coalescence and central adoption of local pragmatics into a ‘Final Solution’ of bureaucratised and industrialised extermination.

More widely known than economic theory in the intellectual legitimisation of the Holocaust were other systems of false belief and flawed sense-making. Anti-Semitism was deeply historically rooted not only in Germany but in much of Europe. It became here an ‘ideological driving force’ and ‘precondition for mass murder’ (Kwiet 1998: 3) shaping the identification and perception of key ‘problems’, their ‘causes’ and the directions from which solutions were sought. As Herf (2006: 266) states, ‘[t]he core ideological justification for the Holocaust lay in the depiction of Jewry as constituting a powerful international anti-German conspiracy’. This was a fantasy, a dominant deeply entrenched falsehood, it is important to note, produced by educated men.

[Joseph] Goebbels and [Reich press chief Otto] Dietrich [both] had doctorates from prestigious German universities. The staffs of the Reich Press Office and the Propaganda Ministry were filled with highly educated people. ... An enormous amount of intelligence and talent in Nazi Germany went to waste in the production and diffusion of its anti-Semitic propaganda. (Bytwerk 2004: 271)

The Nazi order was not only anti-Semitic. It also demanded the health of Aryanism itself, through the exclusion of outsiders. Hitler’s own racialised worldview, whilst extreme, drew heavily upon respected professional-intellectual tides of eugenicism and racial hygiene. State murders of disabled people and other ‘outsiders’, the precursors of the Holocaust ‘were based on an ideology of human inequality ... [translated] into ... official German government policy’ (Friedlander 2001: 145). ‘Moral’ or humane treatment became reserved for those racially and socially *entitled* to it. Perversely, the selective application of sympathy towards prisoners who were not consigned to sub-humanity (e.g.,

German prisoners), became elements in SS commanders' perceptions of themselves as 'decent' (Orth 2000). Such selective 'inclusion' allowed perpetrators, participants and bystanders to justify their inhumanity through what now seem impossibly self-serving conceptions of necessity, duty and virtue. For those directly involved in killing groups and death camps, a further set of false understandings was available in the Nazi 'offer'. These too were an extension of the racialised nationalist fantasy. They invoked a martial moral code, stressing the primacy of loyalty, sacrifice, honour and duty (Orth 2000). Accentuating traditional myths and masculinities, they not only undermined potential criticism of the killers, they made heroes of them. Even though 'fully aware of the fact that human beings were being used as guinea pigs and were systematically butchered an American Intelligence report could claim that the perpetrators or passive collaborators "were in way conscious of these crimes, they were Germans and not Nazis"' (cited in Friedlander 1995: 218).

For many Germans not directly involved, mass murder became 'half-known' or 'abstract' (Kershaw 2008). As can be said of many organisational activities, hierarchical and vertical organisational divisions sometimes restricted *direct* knowledge—or at least direct certainty. But despite physical and bureaucratic distances, there was still widespread knowledge of mass shootings (if not gassings) of Jews in the East. As Herf (2006: 267) notes, contrary to comfortable post-war German mythology, '[d]uring World War II anyone in Nazi Germany who regularly read a newspaper, listened to the radio, or walked past ... political posters between 1941 and 1943 knew of the threats and boasts of the Nazi regime to exterminate European Jews'. The grim truth was that by the 1940s exposure to relentless propaganda meant that what happened to the Jews was simply of *little concern* to most people (ibid.).

Incrementally escalating exclusion and violence meant that the machinery through which the Final Solution was approached was comfortably familiar (Welzer 2008). Wilful ignorance was facilitated by the fact that escalating cruelties were incorporated within respectable professional practice. Academics, lawyers, police officers, administrators, doctors, nurses and welfare workers sanitised racialised lies and false knowledges within their professional domains. Before the escalation of war, the economically marginalised, the 'racially inferior' and the 'heredi-



tarily degenerate' had already become problems to be 'solved' within racially framed understandings of modernisation and economic productivity (Aly and Heim 2002). The first mass killings, for example, were supervised and operationalised by medical professionals whose main focus became their patients' ability or inability to work (Benedict et al. 2009; Browning 2004; Lopez-Munoz et al. 2007; Wachsmann 2015). The unproductive, as respected scientists had for some time insisted, were unworthy of life. Mass murder, therefore, was integrated into the felt normalcy of the Third Reich by the institutions that had existed before 1933 and by the professionals within them.

In summary then, it is important to understand that individual, organisational and broader social behaviours before and during the Holocaust were tightly enmeshed within and in turn reproduced what was falsely 'known' or believed. They were behaviours that were socially organised in ways that were quickly refined within large-scale administrative and industrial programmes. Socially structured ignorance offered the guilty motivation, mitigation and exculpation through, on the one hand, demonic but scientifically respectable racial/eugenic fantasies and, on the other, the instrumentalist and bureaucratised transmutation of deportation, starvation and murder from moral into bureau-technical issues. Enemies in an epochal racial war became simultaneously, mere abstracted units to be classified, shipped and processed. There was a wilfully ignorant 'half-knowledge' about Nazi crimes, depending upon where individuals were, who they knew, what they were involved in directly or indirectly and whether they chose to question. Where cruelties were half acknowledged, they could be justified through false 'common-sense' (but professionally authenticated and propagated) racial-hygienic knowledge. For those directly involved in the 'support industries' of extermination—collection and transport of victims for example—exculpatory racial, xenophobic and eugenic myths were both appealing and abundant. Humanity was also neutralised through less non-racialised systems of modern ignorance too—through technical and managerial discourses that stripped immorality from crimes. Modern hierarchical and functional divisions of labour helped technocratise and de-moralise knowledge rendering a moral and empathic ignorance that cleared the way for murder to become something else. Nazi ignorance production contrasted

the unproductive, the degenerate and the asocial with the respectable, pure and virtuous national community.

## Conclusion: Towards a Zemiological Agnotology

Here, we conclude with a reflective return to the contemporary dangers of populist dis-imagination, reproduced within contexts of conjunctural crisis and neoliberal plunder. ‘Things’, Howard Becker memorably suggested (1967: 242), ‘are seldom as they ought to be’. Powerful social definers ‘usually have to lie’. As institutions do not operate in the way they should, ‘officials develop ways both of denying the[ir] failure ... and explaining those failures which cannot be hidden’ (ibid.: 243). The case studies explored here however are actually about more than disguising ‘failures’: ‘failure’ would assume that these harms were all unintended and/or unforeseen. Instead, ignorance in these cases was in general generated as cover for enterprises or projects that were in their own terms *successful*: the maintenance of profitable manufacture of asbestos products long after their lethality was discovered and the removal of unproductive, surplus elements of the population from the racially ‘pure’ German *volksgemeinschaft*. Just over a century ago the world stood, largely unsuspecting upon the edge of three decades of war, genocide, financial and economic collapse and social upheaval. As the now familiar catalogue of disastrous harm unfolded, criminology concerned itself with the hereditary pathologies of the anti-social and the petty criminal.

Do we stand on the edge of a disastrous abyss today, a hundred years later? There are many who argue that we do. We are confronted with the catastrophic impacts of climate change, pollution, resurgent militaristic xenophobia and less apocalyptically but with equal deadliness, the continuing lethal socialisation of the costs of reckless financial speculation and the plunder of the common wealth (Weeks 2014). In the UK, it has been estimated, for example, that by 2020 over 150,000 excess deaths will have resulted from UK ‘austerity’ policies (Watkins et al. 2017). Yet for the most part criminology continues, with little struggle, to go about its daily business within its familiar state-defined straightjacket, identify-

ing and targeting the 'anti-social', with a gaze fixed firmly 'downward' and barely a look 'upwards'. Ironically, even as some criminologists explore the idea of a 'criminology of disaster', their interest is limited to a conventionally framed 'anti-social' in the aftermath, failing even to consider disastrous harm *in itself* as a problem requiring criminological attention (Frailing and Wood-Harper 2017). It is an utterly urgent imperative that criminology, or zemiology, should escape these bonds and attend to the most destructive harms that are inflicted upon humanity and its habitat.

In this context it should matter a great deal that such harms are perpetuated in large part through the production, dissemination and consumption of false knowledge and false or flawed understandings. At 'elite' levels, government routinely 'conceals, manipulates and supresses truth' (Walters 2008: 8). For C. Wright Mills (1959>2000: 191), public life is (mis)informed by 'official definitions ... myths and lies'. Cohen (2001: 114) states that 'official discourse is inevitably a mixture of blatant lies, half-truths, evasions, legalistic sophistries, ideological appeals and credible factual objections'. Panitch and Leys (2005: vii), who suggest that 'unprecedented levels of secrecy, obfuscation, dissembling and downright lying ... now characterize public life', refer to the normalisation of lying as 'chronic mendacity'. Even the most harmful actions such as those sketched above—mass poisoning and genocide—can be repackaged according to 'elite-friendly value assumptions' (Cromwell 2012: 17). A zemiology of ignorance—the study of the relationships between harm and false understandings—becomes ever more important for our understanding of current as well as historical harms. In neoliberal culture, as Giroux has noted, we are witnessing 'a near sociopathic lack of interest in—or compassion and responsibility for—others' (Giroux 2014: 9). As even some political actors decry (with little sense of irony) 'post-truth politics', coldness and indifference proliferate. It is because of the escalating production and the seeming ubiquity of ignorance accompanied by deepening political, cultural and social coldness that the phenomenon requires intensified analytical endeavour as an area of criminological study.

This would entail the examination of the manufacture and construction of ignorance (both as states and acts) at different (structural/ideological,

organisational, (sub)cultural and individual) levels and in different contexts. Perspectives from a range of disciplines and traditions might be helpful. To suggest just some possibilities, Marxist false consciousness offers insights around macro-level agnosis and the political-economic contexts to ignorance generation. Foucauldian critique, revealing and recovering 'subjugated knowledges' fosters the excavation of past and contemporary histories of struggle and the discursive frames through which harms were and are neutralised (Foucault 1980). Situationist social psychology, organisational theory and studies of culture and subculture provide rich insights into the ignorances that sustain participation in organisationally/institutionally based harm. A zemiological agnotology might also draw upon critical work in more specific professional and technical disciplines that are, or have been, closely implicated in industrialised ignorance production: mass media; law; public relations; education; and economics. Critical perspectives in accountancy, to take one example, can illuminate corporate and professional denial in the origins of financial calamity (McSweeney 2009).

Attending to these harms and the ignorance production that underpins them requires a commitment to resistance. As Kramer et al. (2010) argue, doing the 'right thing' as a Criminologist requires connecting our work to political and public issues. There is a need for us to document ignorance production and focus attention on the moral implications of both ignorance and knowledge as mechanisms for resisting state-corporate harm and emancipating those whose lives are restrained and harmed by its existence and prevalence. We have to engage in public dialogue to encourage debates in areas that are silenced, redirect publics where powerful definers seek to mislead and support others' engagement in resistance of these public issues. This goes beyond publishing academic books like this one and hoping they have influence, we have to seek out alternative and wider audiences for mutual education and collaboration (see Kramer et al. 2010). Numerous Critical Criminologists, who have also contributed to this book, have led by example in this area, as their biographical details clearly show.

Whether state, act, or activity, absence of knowledge, false knowledge or false understanding, ignorance plays a vital role in the generation of harm, in its impact, in its alibis and in its reproduction. As also demonstrated above, the opportunities for advantage that lie in silence, deceit

and misrepresentation are exponentially magnified by power. Both the seriousness of harms and the potential for avoiding responsibility for their perpetration are at their greatest towards the pinnacles of social hierarchies. As Critical Criminologists, *our* opportunities lie in public engagement as a means for resisting state-corporate harms and its ally of frequently harmful, and sometimes deadly, silence.

## Notes

1. As Rafter (2008) explains, through its use as an extension of political power in Nazi Germany, criminology was complicit in the justification of the mass killing of Jews, gypsies and criminals.
2. In *The Sociological Imagination*, Mills argued that the inability of individuals to recognise *and understand* the relations of power that connect biography to history contributes to a disaffecting social order characterised by social alienation, moral insensibility, disproportionate power of a small group of elites, threats to liberty and freedom, and conflict between bureaucratic rationality and human reason. The Sociological Imagination understands social structure and, in turn, recognises the intersection between individual lives and social and historical contexts and provides a means to make sense of the world and resist the historical repetition of alienation and oppression (Mills 1959>2000: 3–24).
3. The related term ‘agnosis’ will also be used here. Etymologically, agnosis derives from ancient Greek and means without, or lacking, knowledge.
4. As the industry was finally brought to face the consequences of its actions in the late twentieth century, a final tactic of the Johns Manville corporation was to find recourse in debtor-friendly Chap. 11 bankruptcy (Tweedale and Warren 2004). This enabled it to suspend payments to its growing numbers of victims for 13 years until it resumed payment in 1995 of 5 cents per \$1 awarded.

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# 3

## Counterinsurgency, Empire and Ignorance

Mark McGovern

### Introduction: Counterinsurgency and Ignorance

'In Iraq', declared former US Marine Infantry Officer David Morris (2007), 'information is tribal, it keeps its own company. Things only seem absolutely true in Washington. The closer you get to the killing the harder it is to know anything for sure.' As Morris wrote, in late 2007, the US military was embarking on a new counterinsurgency strategy—what became known as the 'surge'. The US Army Field Manual (2006, 1–1) on *Counterinsurgency* defines it as the 'military, paramilitary, political, economic, psychological and civic actions taken by a government to defeat an insurgency'. Published amid the chaos and wholesale destruction that followed the invasion and occupation of Iraq and Afghanistan, and underpinning that 'Surge' strategy which followed, the manual in turn views separating the insurgent from the population as the key means of

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prevailing against any 'organised movement' using 'subversion and armed conflict' to overthrow a government. Echoing a much longer tradition, rooted in the 'small wars' of empire (Callwell 1996), a 'population-centric' approach to the prosecution of this subset of warfare is, in other words, seen as the defining feature of counterinsurgency. Upon that, at least most would agree, much else far less so. Counterinsurgency is here understood as a dominant form of the organised violence of empire, which is indeed centred on the governance, disciplining and oppression of populations. As such, it will be argued, counterinsurgency is a repressive, coercive military and political project. At its core not only the generation of knowledge of and about a population, aimed at achieving its subjugation and compliance, but also the cultural production of militarised ignorance, of, about and within that population and amongst others, including an ignorance of counterinsurgency's own practices (at the time and afterwards) as a means of achieving the same. As a strategy of violent power, it will be argued, whether consciously or unconsciously forged, the ignorance of counterinsurgency has three primary aims: to '*confound the native*', to '*cover the tracks*' and to '*reassure the self*'.

This chapter will therefore explore various aspects of the relationship between counterinsurgency and agnotology as the 'conscious, unconscious and structural production of ignorance' (Proctor 2008, 3). It will first examine the relationship between race, imperialism and agnotology and the roots of counterinsurgency as the theory and practice of the violence of empire. Second, it will explore ways in which the suppression of the nature and effects of counterinsurgency within imperial wars of the past (as well as the memory of empire itself) have helped preserve and shape its appeal for the present, evident in the ignorance generated by the 'organised forgetting' of counterinsurgency's crimes (McGovern 2013, 2016). The production of ignorance, of doubt and of uncertainty are also part and parcel of the business of counterinsurgency, and the chapter briefly considers some of the ways in which controlling flows of information and disinformation feature in the praxis of the counterinsurgent. Finally, in a sustained case study of the US military's Human Terrain System program in Afghanistan and Iraq, the chapter critically examines something of the role of social science itself in the cultural production of ignorance in and of counterinsurgency as part of the 'War on Terror'.

## Agnotology, Race and the Violence of Empire

As Robert Proctor (2008, 3–10) suggests, ignorance takes several forms; as a ‘native state’, where ‘knowledge has not yet penetrated’, a ‘lost realm’, where knowledge (deliberately or not) is selected, marginalised, ignored or destroyed, or as a ‘strategic ploy’, where doubt and uncertainty’ have been ‘made, maintained, and manipulated by means of certain arts or sciences’. Whether as ‘lost realm’ or ‘strategic ploy’, the power relations of class, gender and/or ‘race’ shape the ‘political geography’ of the production of ignorance. ‘Lack of knowledge or unlearning’ form an important dimension of domination, not least where racial and colonial subjugation is concerned. As Sullivan and Tuana (2007a, 3) argue ‘practices of not knowing ... often support racism’.

In the effective exercise of political sovereignty by one state over another society, empire involves the oppressive projection of direct economic, political and military power (Doyle 1986, 45). But imperialism and colonialism are not simply acts of ‘accumulation and acquisition’ (Said 1993, 8). They are ‘supported and perhaps even impelled by impressive ideological formations that include ... forms of knowledge affiliated with domination’. The oppression and violence of empire is bolstered by the valorisation of certain forms, narratives and traditions of knowledge. Equally the imagination of empire requires the generation of ignorance and non-knowledge of the ‘lost worlds’ of the cultures and societies of the colonised, alongside the enabling, ennobling fictions of empire itself; masks for the realities of violent exploitation and expropriation. Colonialism seeks not only to ‘hold a people in its grip ... [and empty] a natives brain of all form and content’ with a ‘perverted logic’ it also turns to the past of an oppressed people and ‘distorts, disfigures and destroys it’ (Fanon 1967, 169). Behind the coloniser’s mythic, contradictory portrait of the colonised as lazy, simultaneously weak and threatening, frugal and gluttonous, lies a hidden world of work, perseverance and unmet need (Memmi 1990, 145–150). At the same time the ‘golden age’ imaginaries of imperial histories rest upon the ‘pure (even purged) images we construct of a privileged, genealogically useful past, a past in which we exclude unwanted elements, vestiges, narratives’ (Said 1993, 16). In this sense present cultural attitudes and political exigencies bear down on the

process of historical and narrative selection. The current condition of 'post-imperial melancholia', built upon an often purposeful misrecognition of empire's violent rupture, feeds and fosters the ongoing assault on multiculturalism (Gilroy 2004).

The cultural production of ignorance about empire means, above all else, not knowing about its violence—or, if 'known', of shrouding its dark realities with celebratory myths of imperial virtue, heroism and civility. As Gilroy (2004, 95) argues, contemporary antagonism towards multiculturalism is generated as postcolonial melancholia, and the inability to acknowledge the loss of imperial 'greatness' coincides with the presence of minority populations from former colonies as an everyday reminder of 'the hidden, shameful store of imperial horrors'. The 'chronic, nagging pain' of empire's loss not only feeds melancholic detachment but also demands an 'airbrushing of empire's history' (Gilroy 2005). Within British culture, the wars and crimes of decolonisation in 'Africa, Malaya, Cyprus and Aden' must therefore be 'actively forgotten'. And counterinsurgency, above all else, is the violence of empire. For Britain, the decolonising conflicts in Kenya, Malaya and elsewhere were counterinsurgency wars and the roots of contemporary counterinsurgency theory and practice are to be found in the 'irregular wars' or 'low intensity' conflicts of European (and latterly American) empires (Dixon 2012; Newsinger 2002). The supposedly 'small wars' of colonialism (rather than the continental 'total war' conflagrations of the first and second world wars) have been the standard modern form of warfare fought by British, French and other colonial powers from the late eighteenth century onwards. Wars echoed in the neo-imperial interventionist conflicts of more recent 'post-colonial' times.

Certainly the British tradition of counterinsurgency, much valorised during the war in Iraq, is deeply rooted in the long centuries of imperial deployment of mass organised violence (McGovern 2015). As the Commander of British forces during the invasion and occupation of Iraq and (when much younger) second-in-command of the British Army unit that killed 14 innocent people on the streets of Derry on Bloody Sunday, General Mike Jackson (2009, 347) has argued the roots of a 'peculiarly British way' of the 'military business' of counterinsurgency 'lie deep in our [British history]' extending back through an imperial past 'at least a

couple of centuries to Ireland, to India a century and a half ago, to Africa about the same time and, indeed, to Iraq almost a century ago'. The 'warrior-scholars' of counterinsurgency, many of whom provided inspiration and intellectual foundations for the counterinsurgency campaigns of the 'War on Terror', consist of military officers and administrators of empire (of Britain and other colonial powers) reflecting on how they deployed violence to secure imperial rule. The 'most important inspiration' for the US Army *Counterinsurgency* manual was David Galula, a French officer and alter-ego to Franz Fanon, who helped the doomed, blood-soaked attempt to maintain French colonial rule in Algeria (Branch 2010, 18; Galula 2006a, b; Kilcullen 2010; Kipp et al. 2006, 8). Likewise as the British Army revised its own counterinsurgency doctrine amid the ruins of Kandahar and Basra, they turned again to people like Robert Thompson, a former colonial official in Malaya during the 'Emergency' of the early 1950s, whose reflections on destroying anti-colonial struggles had already provided a model for the corralling of populations and US violence during the Vietnam war (Alderson 2007; Bennet 2009; Thompson 1966). Yet, this valorisation of (notably British) counterinsurgency, as a new approach to the conduct of the wars of terror, drew on a well of ignorance about its history, nature, practices and effects.

## **Ignorance and Myths of Counterinsurgency Harm**

Whether through encouraging the widespread, wholly unfounded, belief of direct Iraqi involvement in the 9/11 attacks, or the fiction of Iraqi possession of Weapons of Mass Destruction, much of the lead up to and the conduct of the Iraq war was itself characterised by a 'campaign of organised political persuasion', involving, if not outright lying, deception by both 'omission and distortion' (Herring and Robinson 2014, 213). The 'situated ignorance' underpinning the 'War on Terror' has relied upon taken-for-granted knowledge (and its lack) embedded in situated practices and 'infused with distortions, misrepresentations, and disinformation, and otherwise largely comprised of gaping holes' (Pred 2007, 364–365). Likewise, the idea that invading Iraq would prove a

‘cakewalk’ was based on the fantasies of the so-called Revolution in Military Affairs, where an overwhelming superiority in information and communications was imagined as providing ‘full spectrum dominance’ and transform war into a ‘realm of certainty’ (McMaster 2008, 1). According to H.R. McMaster, one of the architects of the ‘surge’ strategy in Iraq and recent national security adviser to the Trump administration, this ‘language of hubris’ was supplanted by the turn to counterinsurgency. Certainly interest in counterinsurgency has grown exponentially since and ‘counter-insurgency has become the conventional military operation for Western armies’ (Hughes 2012, 582; Kilcullen 2010; Rich and Duyvesteyn 2014). However, this too has required the (often wilful) generation of ignorance of the mass harm inflicted by the history of such imperial violence and the long-term dissemination of myths masking the crimes involved.

Critical reflection on the central tenets of British counterinsurgency, as against the record of British imperial violence, may illustrate the role of ignorance as a strategic ploy in the normalisation and legitimisation of the harm of counterinsurgency. At the core of the self-image of British counterinsurgency as an ‘economy of force’ stand the twin concepts of a focus on ‘hearts and minds’ and the doctrine of ‘minimum force’ (Jones and Smith 2013; McGovern 2015; Owen 2015). Allied closely to both is a belief in military adherence to the rule of law. Each is taken to underpin a prioritisation of the political dimensions of conflict, focused on the population and conceived as a rule-bound contest of government. First promulgated during the ‘Malayan Emergency’ of 1948–1960 the ‘winning of hearts and minds’ implies the use of less coercive tactics against insurgents and thereby securing the support of the people (Dixon 2009, 354). The doctrine of ‘minimum force’ is seen to derive both from the principles of proportionality and discrimination in international law and, in the British case, from a common law tradition and a focus on restraint and a ‘professional ethos’ within the organisational culture of the British military (Bennett 2013, 84). In turn a range of British counterinsurgency theorists, past and present, have emphasised that, in theory, the actions of counterinsurgents should always conform with (and so be sanctioned by) the rule of law (Alderson 2007, 2010; Bulloch 1996; Kitson 1977; Thompson 1966).

However, in most (if not all) anti-colonial counterinsurgency campaigns, the protection of international law rarely applied and afforded little protection. Colonial peoples continued to be excluded, implicitly or explicitly, from international conventions designed to constrain the use of force against civilian populations. At the same time, counterinsurgency campaigns invariably saw common law supplemented by ‘emergency law’ and the suspension of constraints on the state’s use of force. In the context of counterinsurgency violence, the immunity from prosecution given to all occupying forces and personnel in Iraq in 2003, exemptions that continue through to the present in the ‘fight with ISIS’, are far less an exception than the rule (Associated Press 2014; Coalition Provisional Authority 2003). Colonialism has long witnessed the stripping away of whatever few rights and protections existed for the ‘native’ population and the *de jure* or *de facto* declaration of a pre-emptive amnesty for the crimes of the counterinsurgent. The enacting of the ‘force of law without law’ and the creation of a ‘state of exception’ is far less novel than a Eurocentric view, or the ignorance of empire’s history, might otherwise suggest (Svirsky and Bignall 2012).

Military organisational culture may have played a part in constraining the use of violence but it suffers as a basis for a ‘minimum force’ doctrine from reliance on some dubious ideas of ‘national characteristics’ (Bennett 2013, 88; Mockaitis 1990). Similarly it rests on a conception of a professional ‘warrior ethos’ that in the colonial context ignores a long history of overwhelming Western technological military superiority. ‘The art of killing from a distance’, notes Sven Lindqvist (1997, 46), ‘became a European speciality very early on’. Throughout the history of European and Anglo-American imperial expansion, technological superiority was part and parcel of empire’s rule and made harm in combat a far more unidirectional affair than the imagination of the imperial soldier could readily allow. As exemplified in the British annihilation of a ‘Dervish’ army at the Battle of Omdurman in 1898, it was the ‘native’ who risked all as this ‘most signal victory’ of the ‘arms of science over barbarians [was achieved] with hardly any difficulty, comparatively small risk and insignificant loss to the victors’ (Winston Churchill, *The Rive War*, 1899, cited in Lindqvist 1997, 67). Yet even at the time, ‘few questioned the victory ... no-one asked why few or none survived’ among the ‘liquidated’ wounded (Lindqvist



1997, 46). The supposed uniqueness of a 'contemporary crisis' in military ethos presented by drone warfare, where 'Western' military virtues of 'courage, sacrifice and heroism' appear lost in the move from combat to targeted assassination and the 'manhunt' relies on the wilful ignorance of this history of imperial slaughter. As Chamayou (2015, 95) argues, 'the drone is the weapon of an amnesiac postcolonial violence'.

The long-hidden record of mass, maximal violence in British counterinsurgency campaigns confounds the myth of 'minimum force' and benign governance (Hughes 2012). The case of British violence in Kenya may serve as an exemplar here. Along with Malaya, British counterinsurgency against the Mau Mau in Kenya (1952–1960) was long-presented as a prime example of a 'peculiarly British' minimum force 'hearts and minds' campaign. Yet a welter of recent revelations of mass repression, systematic torture and indiscriminate shootings has countered the strategically deployed ignorance of the crimes of the past (Anderson 2006; Bennett 2007, 2013; Elkins 2005). Deliberately ensuring the definition of 'minimum' was 'ambiguous and thus malleable' a permissive culture of repressive, 'exemplary violence' was understood, from the 'Cabinet level down', to be the means of overcoming the Mau Mau's anti-colonial challenge (Bennett 2007, 640). Britain, one author concludes (Hughes 2012, 586), never had a tradition of 'hearts and minds' but in given situations 'combined savvy political concessions with considerable military force to rule the empire'.

Aspects of this campaign of ferocious force were known and publicly discussed at the time. Yet a state of—often deliberately cultivated—collective amnesia soon set in, rendering this violent history all but hidden from (non-colonial) public view for decades and so helping to perpetuate the myths of British counterinsurgency. A culture of secrecy ensured that files testifying to the brutality of the Kenyan campaign departed with British rule itself and lay hidden, along with a million others, in the vaults of the State (Cobain 2016, 101–135). Ignorance was generated too in the memoirs of those involved. Frank Kitson, a key figure in the tradition of British counterinsurgency, recounted his experiences serving as an intelligence officer in Kenya in a highly sanitised account, reducing the 'bloodiest of post-war British military operations ... to the level of a *Boy's Own* adventure story' (Kitson 1960, 1971; Newsinger 1990, 61). A key feature of Kitson's work involved the use of the 'pseudo- or counter-gang', itself a

prime example of the role of brutal deception as an element of counterinsurgency campaigns. This involved state forces and allies posing as insurgents to either ‘infiltrate an insurgency or to commit false-flag atrocities intended to sow discord within its ranks and discredit its cause’ (Hughes 2014, 112). Such a stratagem was not unique to Kenya. In the repression of the Arab Revolt in Palestine (1938–1939) ‘Special Night Squads’, made up of British soldiers and Jewish Volunteers, carried out extra-judicial attacks and killings to sow fear among the local Arab population; providing ‘something of a model’ for later Israeli Special Forces (Hughes 2009, 2015; Khalili 2012, 30–31). Frank Kitson himself was also later deeply involved in the creation of counter-gangs and intelligence units as part of a broader campaign of collusion in Northern Ireland (McGovern 2015).

Obliterating the memory of past crimes helps to permit the destruction of future unlawful violence. If ‘ignorance can be the flipside of memory’ (Proctor 2008, 3) what is forgotten is often the result of organised forgetting. While memories may covertly circulate as the ‘hidden transcripts’ of marginalised communities, the construction of social memory and official discourse in the public domain involves suppressing the recognition and knowledge of the violence of counterinsurgency (Burton 1979; Scott 1990). So, for example, the management of truth recovery as part of the post-conflict transition in Northern Ireland has involved the obfuscating of the role of state counterinsurgency violence and the attempt to institutionalise ignorance (McGovern 2016, 2017). As a practice aimed at revealing the wrongs of the past, including those of counterinsurgency, truth recovery faces an ongoing challenge to de-construct such state-sponsored *agnosis*, not least in order to undermine the use of the past as a legitimating narrative for future harm.

## Counterinsurgency, Knowledge Warfare and Militarised Ignorance

If suppressing the memory of past imperial violence is often concerned with both ‘covering the tracks’ and ‘re-assuring the self’, as the example of the ‘counter-gang’ illustrates, counterinsurgency itself often involves deception, distortion and the generation of ignorance and non-knowledge

as a means to 'confound the native'. Deploying ignorance is a military capacity that seeks to create doubt, uncertainty, anxiety, fear and suspicion as part of the undermining of the will to resist of the 'other'. Counterinsurgency is a knowledge or information-centred form of warfare and in that sense confounding the hearts and confusing the minds of the population are central to the intelligence-focussed strategies of the counterinsurgent.

Recent calls to move away from the aspects of 'classic' or 'orthodox' counterinsurgency (COIN) approaches, if anything, invariably call for an even greater focus on the management of populations, of knowledge and of representation (Kilcullen 2014). So, while 'classic' COIN sought to 'neutralize an insurgent enemy', not least by ensuring a people was brought more closely to support for the Government, the task now involves the counterinsurgent imposing or 'maximising its own interests' in a complex, unstable and chaotic 'conflict ecosystem' (Kilcullen 2014, 144). Success becomes less to do with establishing government legitimacy than with winning a 'competition to mobilize' support not only within the local population but at 'home, internationally and among allied and neutral countries'. Victory is less concerned with the military defeat of insurgents than with their long-term neutralisation through 'stability operations', meaning the creation of 'popular support for permanent, institutionalized anti-terrorist measures'. Or what Giorgio Agamben (2005, 3) would understand as a 'dominant paradigm of government ... and essential practice of contemporary states ... the voluntary creation of a permanent state of emergency'.

The production of ignorance, as well as disinformation, distortion and deception, has equally been part and parcel of this discursive project. Propaganda and shaping the perceptions of the population are central to counterinsurgency. For Frank Kitson (1971, 78), for example, so-called psychological operations were of immense importance precisely because 'wars of subversion and counter subversion are fought, in the last resort, in the minds of the people'. Derived from this, the population-centric approach of counterinsurgency is not only much concerned with gathering intelligence but obfuscating the truth, generating doubt and suspicion, and gaining control over populations through the control of information and knowledge. If 'hearts and minds' is itself a fiction

masking the violence of counterinsurgency, it at least reveals the centrality of the control of information to its practice. This invariably also involves a process of an instrumentalised dissemination or withholding of knowledge.

The US Army (2005, 1–2) itself defines the ‘psychological operations’ in which it engages as planned means ‘to convey selected information and indicators’ to an audience in order to ‘influence their emotions, motives [and] objective reasoning’. It is a practice directed towards ‘behavioural change’ through knowledge manipulation. In that sense counterinsurgency is both a struggle for legitimacy and a knowledge-centred form of warfare. It involves not only having intimate intelligence and knowledge of a subject population but of generating ignorance among that population by denying them certain knowledge for strategic ends. It is predicated on undermining the ‘will to resist’ of an insurgent or subject population by reversing their self-image (Kilcullen 2010; Kitson 1960, 1971; McFate and Laurence 2015; Scarry 1987). This, in turn, requires marginalising and excluding other forms of knowledge, often indigenous, that form the basis of narratives that run contrary to those promoted by, and legitimating the actions of, the violent counterinsurgent state (Fanon 1986; Price 2011).

Most obviously, in a struggle for legitimacy, this can involve maintaining fictions of adherence to the rule of law where wrongdoing on the part of state actors has taken place. Often rendered unknown in such campaigns is the scale and illegality of state violence and oppression (McGovern 2015). In this and other ways counterinsurgency is equally founded on generating militarised ignorance and the production of spaces of non-knowledge about its own practices. As Proctor (2008, 18) recognised ‘military secrecy’ is a prime example of the creation and maintenance of ‘deliberate ignorance’. The language of ‘national security’ and the classification of non-accessible knowledge are central to the production of such ‘military agnogenesis’ (Proctor 2008, 19) feeding the exponential expansion of the ‘classified universe’ (Galison 2008, 37). Not least where this concerns the deployment of covert, deniable violence as part of counterinsurgency campaigns, requiring the generation of public ignorance of its means, methods and ends as a ‘strategic ploy’ (Proctor 2008, 8; see also Cohen 2001; Sluka 1999).

## Counterinsurgency, Ignorance and Social Science

Social science has itself been deeply complicit in facilitating the oppressive violence of counterinsurgency through the production of both knowledge and ignorance. As several authors have noted, whether through selectivity, the suppression of alternative knowledge or active duplicity, science more broadly has often played a key role in the generation of ignorance (Michaels 2008; Proctor 2008). Indeed the very emergence of scientific disciplines and forms of categorisation represented an intersection not only of power/knowledge but of ignorance too (Foucault 1980; Tuana 2008). Not least within the context of colonial and imperial expansion where the complicity of science had a variety of effects. If the 'native' was ambivalent towards Western medical science, noted Fanon (1965, 121), this was not the result of a backward 'native psychology' but because it was viewed as part of an oppressive system, of 'racialism and humiliation' and so (tragically) appraised pejoratively alongside the coloniser's other 'contributions'. Indeed science and the academy often played a more direct, pivotal role in the denigration or sublimation of indigenous populations, cultures and knowledge (Mayor 2008; Schiebinger 2008). As Said (1985, 93) argued, Orientalism was a 'science of incorporation and inclusion' rendering the Orient as ripe for 'colonial accumulation and acquisition by Europe'. It was 'nothing less than a science of imperialism' in which the Orient stood as Europe's 'silent other' (Young 1990, 127). The roots of European anthropology and ethnography as disciplines lie in the project of constituting the Orient as an archetype of the primitive, the 'fecund night out of which European rationality developed' and under the weight of which 'the Orient's actuality receded inexorably into a kind of paradigmatic fossilisation' (Said 1985, 94).

At the same time, argues Patricia Owens (2015, 50), the relationship between the social sciences and counterinsurgency has long been intimate and homologous. Both, she contends, share a common origin in the 'theory and practice of household governance', or *oikonomikos*, 'the historically variable units of rule in which the life processes of populations are managed and through which they are domesticated'. As classical social theory arose amid a clamour to address the 'social question' as a means to

‘manage and administer insurgent workers’, so counterinsurgency emerged as the theory and practice of imperial warfare to administer and regulate the lives of populations ‘for military and *oikonomia* ends’ (Owens 2015, 173–175). Both also relied on a denial and repudiation of the political, of ‘the autonomy of political ideas and activity’, and the capacity of populations to be anything other than the object of regulation and control. When counterinsurgents claim (dubiously) they valorise the ‘primacy of the political’, it is not the autonomous political agency of populations they have in mind, but rather the bending of political means to achieving their will. This is as true of the present as it was of the past.

For Paul Gilroy (2006, 1) the ‘War on Terror’ has presented social science with a particular challenge. As a discipline that has seldom systematically investigated the ‘cultural production of knowledge ... and the relationship of ignorance to power’, Gilroy insists it has been ill-equipped to critically explore this ‘apparently interminable war’ where information (far from standing outside) has been constitutive of its matrix of campaigns and conflicts. We might go further. All too often social scientific inquiry and knowledge have been directly complicit and ‘lodged within’ the exercise of militarised power in the ‘War on Terror’. Through the manufacture of instrumental knowledge paradigms defining ‘new terrorism’, or ‘radicalisation’, social scientists have provided supposed ‘explanations’ for the causes of ‘terrorism’ that have underscored and legitimised the domestic front of state counterterror policy and practice, contributed to the ‘militarisation of everyday life’ and rendered Muslim communities as ‘suspect’ (Breen-Smyth 2014; Burnett and Whyte 2005; Kundnani 2014). Evidence to the contrary is rarely allowed to get in the way of such theories’ imagined and imaginary predictive prowess. More immediately, social science has been ‘weaponised’ as part of the imperial projection of organised violence in places like Afghanistan and Iraq. Whether in terms of relying on social network theory as a basis for the deployment of lethal drone violence or the militarised anthropology of the US Army’s Human Terrain System (HTS) program, social science has ‘gone to war’ by contributing to the arsenal of empire’s ‘battlespace knowledge’ (Chamayou 2015; McFate and Laurence 2015; Price 2011).

As the ‘most expensive social science program in history’ and closely allied to the ‘counterinsurgency turn’ in US strategic thinking in Iraq and

Afghanistan (sharing an intellectual and organisational well with the US Army's 2006 *Counterinsurgency* manual), the HTS serves as a paradigm of the problem (González 2015; Kipp et al. 2006; Price 2011). Indeed, according to General David Petraeus, co-author of the manual, HTS exemplified the 'biggest of the big ideas' that underpinned the US 'surge' strategy he led in Iraq in 2007: 'recognition that the decisive terrain (in a counterinsurgency campaign) is the human terrain' (Petraeus 2015, ix). 'Cultures', understood as 'protocols for system behaviour', would therefore become the object of intense and complex scrutiny in order to provide insights into, and predict the actions and perceptions of those identified as part of, an 'insurgent eco-system' (Kilcullen 2010, 222). HTS co-director Montgomery McFate (who cut her academic teeth examining British counterinsurgency strategies in Northern Ireland) outlined the 'typical research' concerns of the HTS as including the study of 'tribal networks, legitimate traditional authority figures, emergent political groups, local conflict resolution mechanisms and political ideologies' (McFate and Laurence 2015, 18). As 'angels on the shoulders' of US army commanders, providing them with knowledge about local social structures, political and economic systems and grievances, this 'action research' was certainly not being conducted for its own sake. Rather, it was specifically designed to meet the core aim of counterinsurgency, to increase support for the government and decrease support for the insurgency (Kamps 2008, 311; McFate and Laurence 2015, 10, 20).

For military counterinsurgents the colonial civilian population is the 'battlefield on which the war is fought' (Nagl 2006, ix). The 'control of information' is therefore 'strategically decisive' and 'intelligence gatherers and analysts' embedded within local populations, as the HTS were (at least imagined) to be, become the 'keys to ultimate victory'. In Iraq and Afghanistan this would mean deploying both technological surveillance and the social sciences to securitise the mundane and the everyday. The intimate fabric of the lives of ordinary Afghans and Iraqis was reduced to the observed, measured and instrumentalised matrix of data through which 'victory' might be achieved. Everything from the 'number of unsolicited tip-offs' to transportation prices, levels of tax collection or 'Afghan-on-Afghan violence', the operation of the courts to the 'price of exotic vegetables' became 'indicators of population security', 'core metrics' that

might then be taken to evidencing the state, condition and attitude of the civilian population (Kilcullen 2010, 59–63; McFate and Laurence 2015, 18).

As Wendy Brown (2008, 354) has suggested, the approach outlined in the US *Counterinsurgency* manual and underpinning the work of the HTS was based on a fantasy of omnipotent knowledge and delusional conceits of the command of ‘liberal arts scholarship’ demanded of the contemporary counterinsurgent. ‘In short’, she argues, ‘it requires—from the U.S. military no less—a degree of political intelligence and foresight worthy of Rousseau’s Lawgiver, a degree of provision for human needs worthy of the farthest reach of the communist imaginary, a degree of stabilization through governance worthy of Thomas Hobbes or perhaps Immanuel Kant, an ability to “decipher cultural narratives” (the manual’s words) worthy of a trained ethnographer, and an ability to manipulate these narratives worthy of Plato’. Behind this façade, 40% of the HTS’s social scientists were ‘not qualified’ to do their jobs, lacking regional cultural experience and disciplinary skills, hired en masse by private security firms whose eye may have been trained more on the profits to accrue from fulfilling lucrative contracts and meeting staffing quotas (Price 2011, 110).

Counterinsurgency also relies on distortion and disinformation. Not only disinformation disseminated within the population to sow the seeds of division and dissent, but also at times among the counterinsurgents themselves. So, for example, the work of the HTS required the creation of a necessary fiction that their work was designed as an alternative to the use of lethal force, rather than a means of its more effective deployment. In part this was to assuage concerns that anthropology, a discipline long tainted by its roots and links with colonialism, was once again underpinning the violence of empire (Price 2011). It also allowed HTS practitioners to maintain a fiction of distance from the violence of the occupation and presented a media-friendly image of benign occupation. Yet, building up a complex social map of those tribal leaders, communities or villages that might be regarded as friendly inevitably provided ‘scientific evidence’ identifying others as anything but. For the military, cultural knowledge of populations primarily allows for the ‘leveraging of assets’ (CEAUSSIC 2009, 5; Davis and Cragin 2009; Price 2011, 136). The



claim that such cultural knowledge reduced the need for 'kinetic force' is countered by its use as intelligence in targeting operations and the spike in the use of airpower and lethal drone attacks that paralleled the rise of counterinsurgency in Iraq and Afghanistan (CEAUSSIC 2009; Gregory 2011, 2014; McSorley 2012, 10).

The self-serving fallacies of the HTS extend further. As a component of the 'armed social work', counterinsurgency is imagined to be, the contradictions (long identified in radical critiques) of a profession all too often complicit in, rather than a challenge to, the management of oppression and inequality, are all the more starkly evident when militarised. Likewise, the securitisation and militarisation of social knowledge inevitably ensures the adoption of a 'problem-solving' perspective all too common in the broader academic treatment of 'terrorism' (Gunning 2007). Ignorance is a consequence of an approach to research that 'takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organised, as the given framework for action' (Cox 1981, 129). Instrumentalised knowledge reduces the meaning of social experience and invariably bends the inference and understanding of what is observed. The embedding of social research in the work of counterinsurgency and military occupation must involve an a priori acceptance of the circumstances (and the legitimacy) of the occupation itself. In the end, counterinsurgency and empire cannot become the subject of critical inquiry. That can only ever result in a range of things left unsaid and unsayable, questions unasked and issues unexplored and unexamined; a militarised lacuna of the unexpressed and the unknowable. The Human Terrain System did not make Afghanistan a 'better place', still less did it make the counterinsurgency war fought there by the US military more benign or less violent. The HTS did two things. In the neo-colony it was a means of producing (if unsuccessfully) a population capable of being rendered subject to disciplinary control and both bio-political and sovereign power. In Western societies the image of 'fresh-faced young college graduates ... drinking tea with Afghan elders or distributing sweets to euphoric Iraqi children' was a distracting illusion generating ignorance of the dehumanising devastation rent by the vast technologies of organised imperial violence (González 2015).

## Conclusion: (Post-) Empire, Violence and Ignorance

For Paul Gilroy (2004, 108, 132) much of contemporary British political and cultural life is defined by an ongoing struggle between the conviviality of vibrant, multi-ethnic metropolitan cultures and post-imperial melancholia; the 'depressed reaction following a radical loss of moral legitimacy [and] loss of the fantasy of the omnipotence' of empire. 'Primary symptoms of this whole cultural complex' are the myths of a 'wholesome militarism', exemplified in the imagery of World War II, in which the imagery of war is instrumentalised, its violence trivialised. It is a process in which a 'large measure of the blame for empire's crimes' are allocated to empire's victims while conversely empire usurps 'the honoured place of suffering' (Gilroy 2004, 103). This imperialist nostalgia involves the adoption of 'deluded patterns of historical reflection and self-understanding' and whitewashing the 'grim and brutal details' of empire's history (Gilroy 2004, 3). It has also witnessed the 'mysterious evacuation of Britain's post-colonial conflicts' (Gilroy 2004, 96–97); a fostered forgetfulness of counterinsurgency wars of empire's end that helps re-establish (if only in the imagination and in transitory form) fantasies of lost homogeneity.

This is a process rooted in the colonial condition itself. Despite appearances to the contrary, Albert Memmi (1990, 74–75) argued, the coloniser has an awareness of the 'constant illegitimacy of their status [so that] he knows, in his own eyes, as well as those of the victim, that he is a usurper'. The ever-pressing need to absolve himself of this self-awareness leads the colonial to engage in a 'self-defeating process of denouncing the usurped, while extolling the virtues of the usurper' (Memmi 1990, 118–119). The instability of this always unsettling condition, of knowing usurpation is based on the non-foundational contingency of the right of conquest, creates a never-ending project to transform usurpation into legitimacy; an endeavour pursued in the 'falsification of history, and the recording and re-writing of laws' (Memmi 1990, 118). A process too (whether in the midst of empire or in its post-imperial melancholic aftermath) that involves the wholesale cultural production of ignorance of the brutal realities of counterinsurgency, as an exemplar of empire's violence.

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# 4

## The Ideology and Mechanics of Ignorance: Child Abuse in Ireland 1922–1973

Anthony Keating

The issue of child abuse in Irish institutional care, largely, but not exclusively, run by Catholic religious orders, is one that has contributed to a socio-political shift in the Irish Republic (Ireland) over recent years; resulting in the undermining of the traditional power and control of the nation's religious and political elites, most spectacularly that of the Catholic Church (Church) (Cochran et al. 2015). The public recognition of the abuse of Ireland's incarcerated children that began to emerge in the 1990s was heralded by the political class and wider populace with shock and surprise, punctuated with a sense of betrayal and anger by and against the Church. However, the reality was that the abuse of children in institutions took place in plain sight of Ireland's people and responsibility for the often-unchecked brutality against them extended far beyond the Church, notwithstanding the Church's evident culpability in this regard.

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The scandal regarding the nation's 'looked after' children formed part of a layering of pressure on the Irish State<sup>1</sup> to become more transparent. Ireland's membership of the European Union (Brown 2004) was a significant external factor, whilst a major scandal involving the country's all-important beef industry and the findings of a subsequent Tribunal of Enquiry in 1991<sup>2</sup> contributed towards public demands for greater openness. By the late 1990s it had become politically desirable for the Irish political classes to be seen to break with the draconian enforcement of secrecy that had been a feature of the political modality of the State since its establishment in 1922. Additionally, and far from insignificantly, the utility of the Church as a bolster to the State had been eroding over the preceding decades, as a new outward-looking political class found itself increasingly at odds with a deeply conservative and insular hierarchy (Ingles 1998). It was not that the Church didn't remain a significant player in the life of the Nation, but now it was one of several significant constituencies, both within and without the borders of the state, which demanded consideration by Ireland's political class. Accordingly, the State no longer had the vested interest in maintaining the reputation and authority of the Church that it once had (Ibid.). Additionally, developments in media and information technology made it impossible for Church and State to control information in the way that they had previously.

The Nation's Free State status had been won from the British in 1922, following centuries of often covert struggle by "men and women who understood violence, secrecy and the taking of oaths" (Foley et al. 2015, 187). Accordingly, the secrecy legislation inherited from the British was readily adopted into the law of the Irish Free State (IFS) and was subsequently bolstered by draconian censorship legislation. This proclivity towards secrecy, combined with the social conservatism and paternalism of the IFS's elites and the religious deference of its people, afforded Church and State formal powers and, if not more importantly, extensive moral leverage in determining what was, and was not, acceptable for public consumption and comment. In particular, regarding issues pertaining to morality and welfare, thus making Ireland "easily the most secretive state in Western Europe" (Foley 2015, 186) until the introduction of the 1997 Freedom of Information Act.

This chapter argues that the founding myths, political and social rhythms, alliances and infrastructure established pre- and post-independence, born of faith, tradition, *realpolitik*, post-colonial insecurity, ideo-religious zealotry, puritanism and economic necessity established a culture of denial and suppression designed to counter that which could not be squared with the ideo-religious constructs designed to underpin the legitimacy of the IFS. This task will require an analysis of a variety of mechanisms of ignorance (Proctor and Schiendinger 2008), conscious and unconscious, deliberate and incidental, legal and extra-judicial, all of which have impacted most profoundly on the vulnerable, those who did not fit an ideologically constructed archetype of the 'true' Irish and were consequently, at least symbolically, denationalised by being 'othered,' a feature often associated with the maintenance of foundation myths in post-colonial states (Archard 1995). Most at risk of this labelling were those who were marked out as embodying the Nation's deepest-held taboos, either by dint of their own actions or by accident of birth; individuals who were at once reviled and feared. This categorisation, it will be argued, included the children detained in Ireland's industrial and reformatory schools, leaving them stigmatised, unprotected and vulnerable to abuse by Church, State and populace.

These children posed two distinct challenges for Church and State. Firstly, there was the strategic objective of obfuscating the Irishness of these children, who Ferguson has asserted, were viewed as "moral dirt" (Ferguson 2007), one of several manifestations of a contagion left behind by the former imperial power (Keating 2012). Secondly, the reality of their lives in 'care' needed to be obfuscated, as it represented a failure of the promises made by Church and State to nurture the children of the Nation. Worse still, it exposed a crass, abusive inhumanity that gave away a lie at the heart of the dominant discourse, regarding the virtues of the IFS. These were children that the Nation exiled into institutions that were funded and operated commensurate with the disregard and disdain that the children experienced in the wider national consciousness. The reality of many of these children's lives was that of hunger, abuse and forced labour, violations often perpetrated by members of the Church that the State relied on to provide both affordable social care and education and to legitimise its wider political project. Both Church and State, it will be demonstrated, ignored and suppressed evidence that implicated

them in these abuses, in furtherance of reputation, in defence of wider ideo-religious fantasies regarding the Celtic-Catholic virtue of the IFS, and more prosaic political and economic considerations.

The tenuous nature of the fledgling IFS hold on survival, ensured that for much of the twentieth century the moral authority of the Church and its utility to the State put it largely above the law on issues pertaining to morality and certainly allowed it and its agencies to ride roughshod over the rights of citizens who were deemed to have transgressed the moral code or those at risk of doing so through circumstances beyond their control (Smith 2012). Those who felt the power of the Church most fully were children from poorer backgrounds born out of wedlock or living in families broken by separation, illness or addiction who were routinely incarcerated in industrial and reformatory schools. Similarly, unmarried mothers and others judged as sexually dangerous were likely to find themselves incarcerated in Magdalene homes and have their children removed and put up for adoption, sometimes outside the country (Maguire 2002). However, the burden of this moral authoritarianism fell disproportionately on the poor, as the elites and the middle class had the social and economic capital to avoid the scrutiny that led to the wider social condemnation associated with sexual immorality. Additionally, the religious and political elites of the IFS were drawn from the ‘respectable’ middle class that were held to embody the virtues of the nascent State, Catholic nationalists uncorrupted by empire “possessed of a work ethic [and] abstemious” (Garvin 2005b, 16). Therefore, any challenge to the reality of middle-class respectability offered an ideological difficulty to the State, thereby giving it a vested interest in maintaining ignorance over their transgressions. Whilst the existence of immorality could not be denied completely, the focus of the Church and State’s opprobrium in this regard was against the poor, who became the scapegoats for the continence of imperial immorality. A strategy that has caused Ferguson to observe that the treatment of those who found themselves in State ‘care’ amounted to the criminalisation of poverty (Ferguson 2007).

In the complex ideo-religious choreography of the IFS, the children held in industrial and reformatory schools were treated as pawns in a wider game that sought to construct a concept of ‘real Irishness,’ on a domestic front and presented an acceptable image of the IFS to the world.

The Church's complicity in this respect, Maguire observes, is evident across a range of issues regarding the nation's poorest and most vulnerable. She asserts that the Church's commitment to their welfare was only sacred when "it did not conflict with more pressing political and social imperatives" (Maguire 2009).

## **Independent Ireland, Post-colonial Insecurity, Identity and the Church**

The IFS came into being in 1922 after a protracted guerrilla war against Britain, the colonial power. The revolutionaries who formed the IFS's first government under the banner of Pro-Treaty Sinn Féin, which in April 1923 became the Cumann na nGaedheal party, would remain in power until 1932. The new government found itself confronted with a national infrastructure that was fragmented and not fit for purpose (De Vere White 1986). Exacerbating these challenges the IFS was quickly mired in a bitter civil war that erupted following the acceptance of the Treaty by the IFS electorate on 16 June 1922. The Irish Civil War<sup>3</sup> was a conflict waged between two opposing groups of Irish nationalists—namely, the forces of the "Provisional Government" of the IFS, which supported the Treaty and the Republican opposition. During the Civil War, the Irish Church's hierarchy "stood staunchly behind the government and condemned in unequivocal terms the actions ... [of the] anti-treatyites" (Keogh 1995, 11).

In the crucial period of post-colonial identity formation (O'Callaghan 1984), it was the Catholic faith of the majority of the IFS's citizens that offered the truest sense of cohesion. This reality, and the Church's abundant resources, ensured a powerful role for the Church in the governance and direction of the fledgling IFS and its successor entities, Eire and the Irish Republic. The financially impoverished IFS, as Taylor has argued, came "to rely on the Church not just for moral leadership and ethnic identity but for its institutional structure" (1995, 141). A reality that has led some to conclude that Ireland effectively became a theocracy. Whilst this description is not accurate (Inglis 1998), Church and State were enmeshed in a symbiotic relationship. Both constituent parts were deeply

puritanical and socially conservative, drawn from the same strata of society, “the farmers and tradesmen” and their children, who had entered the professions or Church. It was this group that “largely determined the kind of country which emerged in the first decades of independence” (Brown 2004, 16). This ascendant political elite and the Church, to bolster the position of each, set about merging their identities and ensuring “their institutionalisation as the national identity of the new State” (O’ Mahony and Delanty 1998, 134). In a period of immense uncertainty and disorder (Garven 2005) the Church offered the nascent state legitimacy in a divided country and the State offered the Church a chance to imbed in the fabric of the State and corridors of power, without the inconvenience of having to run for election, and to allow the Church a wide swathe of control over issues of morality, education, health and social care, thereby extending the power the Church had developed across the nineteenth century under British rule (Boyce 2005). An arrangement that would determine the *modus operandi* of the State for much of the twentieth century.

The Irish Catholic Church had a rigidity and interpretation of doctrine that was to have a significant impact on the social and moral agenda of the country, as O’Mahony and Delanty have asserted: “Irish Catholicism was a folk Church that depended on social conformity and the secure handing-on of a narrative of national holiness with the Church at its core” (1998, 141). To this end, the Irish Catholic Church was particularly controlling and sceptical regarding the ability of its flock to resist temptation without its involvement in every aspect of their lives, a feature that Brown has described as “Jansenistic puritanism” (Brown 2004, 16). The Jansenistic character of Irish Catholicism ensured that the Church had no faith in the population’s ability to withstand the “poison gas of foreign ideas” (Irish Monthly 1925, 350) without the active discipline of the Church controlling every aspect of their lives. Sex became problematised, taking on near phobic proportions, as the Church entrenched its moral monopoly in Ireland (Inglis 2005). The pessimism over the Irish populations’ ability to retain their virtue in the face of myriad sources of temptation, without the clear instruction of their Church, is perhaps perfectly encapsulated in a 1928 editorial in the *Catholic Bulletin* that pronounced: “The mind of England has been trained to criticise and think

for itself; that of Ireland to believe and accept what it is taught" (Catholic Bulletin 1928, 124). The Church assumed itself as the sole moral abettor of the IFS, accordingly, it needed to be seen, and believed to be, beyond reproach or question.

Both Church and State, driven by religious fervour, post-colonial uncertainty and ideo-religious zealotry, sought to imbed a national myth of Ireland's mission to provide a beacon of purity and virtue to a world otherwise sullied by sin, a belief that had driven a missionary zeal extant to Ireland and prior to independence, a religio-nationalist mission most clearly articulated in Bishop Spalding's, *The Religious Mission of the Irish People*, published in 1880 (Whelan 2017). This was a mission, it was argued, that would be achieved by the goodness of Ireland's (Catholic) people guided by the wisdom of their clerics and the ancient virtue of the 'Gaelic race.' A myth largely accepted by a devout populace in the IFS, keen not to be seen to defame neither faith nor country. An acceptance observed by Whelan to have formed a type of *volksgemeinschaft* (community of the people) that developed deep roots in the IFS, (Ibid.) ensuring that Catholicism and cultural nationalism would become indivisible. However, any national myth is only as viable as its acceptance to a populace as proof of national virtue (Archard 1995), an acceptance that the elite in the IFS were keen to ensure through the maintenance of ignorance, especially regarding sexual morality and the treatment of vulnerable children. These realities were suppressed or obfuscated in furtherance of what Plato termed a 'noble lie'<sup>4</sup> (Ibid.). Their denial played a central role in the cognitive dissonance required by the people of the IFS to resolve the tensions inherent in squaring the visible realities of daily life with the ideo-religious scaffolding that supported the nascent state. As Schenbinger asserts, ignorance "is often not merely the absence of knowledge, but an outcome of a cultural and political struggle" (2004, 233).

Notwithstanding the inbuilt propensity of much of the population to accept the virtue of clerical interpretations of Ireland's mission, both Church and State understood the importance of maintaining the conditions necessary to reject, or preferably, ignore counter-hegemonic scripts to maintain this acceptance. To this end Church and State ensured that they remained in control of the "cognitive and moral basis of criticism of the institutional order" (O'Mahony and Delanty 1998, 130) through a

combination of legislation, disinformation, influence and threats. The objective reality that Ireland was as 'sinful' as those countries from which it sought to stand apart lead to a complex relationship between its denial and management. Sin was only to be spoken of by the priestly cast as a warning and admonition from the pulpit or in pastorals; it was not for general discussion and certainly not for journalistic exploration, other than in reporting the views of the priestly class (Keating 2014). Discussions involving contraception, substance abuse, sexual immorality, illegitimacy, were taboo outside of their theological context. Similarly, and tragically, those who had transgressed needed to be handled by those with spiritual expertise, lest their contagion spread. For the deeply conservative and censoriously moralistic religio-political elite, the lived experience of women who sexually 'transgressed,' their offspring and other children made vulnerable by poverty and circumstance, had to be hidden or neutralised to minimise damage to the reputation of the nation.

The themes deployed to illustrate and counter the dangers to Ireland's mission predominantly drew on three motifs, namely, warfare (against spiritual and temporal enemies), disease and evil, all served up with often colourful invective. The editor of the *Irish Monthly*, for example, asserted in 1925 that "Modern forces are not for but against the Church's mission. Today the enemy is invisible and omnipresent. The Irish Catholic is like a soldier who has turned aside the sword but is attacked by a poisonous gas" (August 1925). The same journal, in a later article, carried a tirade against those who opposed the extension of literary censorship and who were castigated as "those low creatures, vulgarians, wastrels, materialists, mere Irish scum" (March 1927). Whilst commenting on the evils of the cinema, the editor of the Irish Franciscan monthly, *Assisi*, reported on foreign evil influences that threaten the purity of the Irish race (Assisi, 4.5 1932). This level of invective openly engaged in by a deeply influential Catholic press was mirrored in the pronouncements of senior clerics, for example, in 1927 a pastoral letter from the Catholic hierarchy said: "The evil one is ever setting his snares for unwary feet. At the moment, his traps for the innocent are chiefly the dance halls, the bad books, the motion picture, the indecent fashion in female dress—all of which tend to destroy the virtues characteristic of our race" (Ferriter 2005, 336). Whilst the Christian Brothers warned that alien influences needed to be



erased because: "Until this riddance takes place, there is no chance of building up a better or holier Ireland. At present the spiritualised Irishman is quickly passing away and all of the brute that is in him is being fed almost to the point of moral leprosy, to be followed by the tempest of fire from heaven" (NAI, DJ.7/2/7).

The symbolic power of the language used in these pronouncements is significant and its usage was far from accidental. The concept that the Nation was at war cast any criticism of the Irish State as a betrayal, a surrender to Imperial oppression. The motif of 'evil' rooted the acceptance of the dominant moral discourse as an issue of 'faith,' whilst 'disease' suggested a compliance with an enfeeblement that had the potential to destroy the Irish race. Therefore, the deployment of these motifs provided powerful overt and subliminal tools in the armoury in the fight against counter-hegemonic views of the underlying morality of the IFS, views which needed to be neutralised, or preferably, silenced, before they could emerge. An effective vehicle for which, was to ensure any discussion of, or credence given to, issues that undermined the moral underpinning of the IFS was regarded as taboo. Taboos, as Douglas observes, grow out of the concerns of those in authority and offer "specific dangers" of contagion "if not respected" and to warn that the breaking of a taboo will spread the contagion to the whole community (Douglas 2002, xii–xiii).

In its battle against 'contagion' the Church reasoned that its pastoral edicts may require the support of legislation and lobbied the State to enact various pieces, including a draconian literary censorship (explored below). These legal remedies were supplemented by Church activists engaging in official and unofficial, public and surreptitious campaigns against transgressors. Actions that may be designed to ruin the careers and businesses, reputations or community standing of those who spoke out, aided counter-hegemonic discourses regarding life in the Free State, or the moral authority of the Church; campaigns which the State at the very least acquiesced and often colluded. This defensive strategy had a broad reach, ranged against those who opposed censorship, gave publicity to sexual immorality or sexual crime, supported contraception or simply criticised the Church. Journalists, politicians, clerics, newspaper vendors, social workers, parents and even judges were all subject to legislative or extra-legal action, sometimes instigated by civil servants or

supported by the State,<sup>5</sup> a pattern that endured for much of the twentieth century. However, it was those who embodied these ‘evils’ that were to suffer the most.

## A Broken Promise

This failure to protect and nurture all the Nation’s children needed to be kept from the public, not least because it flew in the face of religious scriptures and the promise made in The Democratic Programme of the First Dáil, the founding assembly of the aspirant republic, which Maguire has rightly asserted “can be read as a ‘blueprint’ for the Independent Irish States social agenda” (Maguire 2009, 1) and as such constitutes a founding promise of totemic significance. The IFS came nowhere close to fulfilling its promise to any of the Nation’s children, but in the case of the children in the industrial and reformatory schools, this promise was completely disregarded, indeed trampled underfoot. Notwithstanding this reality, the naked failure of these children was not for public consumption or comment. Church and State both understood the toxicity of these issues to Ireland’s domestic and international reputation, ensuring their substantial investment in the management of ignorance in this regard.

In addition to the religiosity that underpinned the IFS its founding political elite drew inspiration from the intellectual development that redefined nationalism and the nation-state across the nineteenth century (Garvin 2005a). An era that also saw the development in sociology of the conceptualisation of the Nation as a ‘living entity’ which depended on the health of its children for its own future, a development which moved children and the concept of childhood from the margins of national life to its core. This, as has been observed elsewhere, made “the development of children parallel with the development of nations as less or more advanced or less or more ‘primitive’” (Millei and Imre 2016). These were doubtless not inconsiderable concerns amongst the emergent post-colonial elites of the IFS, following years of degradation of native civilisations so entrenched in the colonisers’ repertoire of oppressive cultural superiority (Fanon 2001). A feature widely evident in Britain’s portrayal of Ireland and its people during and post-colonisation (Curtis 1984).

## The Mechanics of Ignorance

The operationalisation of the desire of IFS elites to control the National image was to encompass three main strands, namely: legislation, designed to both 'protect' the populace from 'evil' foreign and domestic influences and to protect the reputation of the Nation; the suppression of government-generated information that proved inconvenient; and, as mentioned above, the use of social and economic pressure, often carried out by lay organisations of the Church, with the support and active and/or passive collusion of the State. Censorship, both legal and ultra-judicial, lay at the heart of the strategy.

In 1923 the government rushed through legislation providing for a nationwide Censorship of Film, but Catholic organisations desired a bigger prize, literary and journalistic censorship. Two years later, in 1925, pressure was brought to bear on the Minister for Justice, Kevin O'Higgins, by the Catholic pressure group the Irish Vigilance Association of Ireland, the Christian Brothers and Catholic Newspapers, to suppress the availability in the IFS of what these groups called 'evil literature.' O'Higgins was initially reluctant to act as he felt there was little popular support for this move. However, his mind was changed in 1926 following a meeting with a group of Catholic bishops and he established The Committee of Enquiry on Evil Literature (CEL) (Horgan 2001, 12).

The Committee had its first meeting in February 1926 and reported in the December of the same year. Its Report argued that a model like that brought into legislation in England be adopted but, importantly, it laid greater emphasis upon controls of press reporting than had the English legislation. Legislation based on the CEL's recommendations was presented as a Bill in the spring of 1928, following a campaign of direct action by Catholic vigilante groups, with names such as 'The Angelic Warfare Association,' who held up trains to empty them of their newspapers and hold mass bonfires (Martin 2006), stoned newsvendors and organised boycotts of businesses that didn't comply. The authorities did little, if anything, to stop these activities bar accelerating the introduction of legislation to pacify these groups (Ibid.).

Catholic lay organisations vociferously lobbied politicians demanding public declarations of support for legislation, which the clear majority of

parliamentarians dutifully provided. Those politicians who did oppose the legislation were drawn largely from the Senate, the non-directly elected upper house of the Dáil and the minority Protestant community. Sir John Keane, for example, claimed that it was an attempt by politicians to impose “mental hygiene” (*Irish Times*, 12 April 1929), a claim that led to his vilification in the Catholic Press. Irish journalism in general was either silent on the issue or supportive of the censorship. Many proprietors were doubtless convinced by leading purity campaigners like R.S. Devan who courted Irish journalists, reassuring them that their virtue was undoubted and that it was the English Press that groups like his, Irish Vigilant Association, had in their sights. There were one or two exceptions, the *Irish Times*, a publication associated with Loyalism, offered some concerns, prophetically predicting that censorship of the press: “would merely ... feed the national vice of self-complacency and would divert public attention from more urgent perils. The things that defile Ireland today come not from without, but from within” (Horgan 1995, 63). The most sustained objection to the legislation came from the highbrow magazine, *The Irish Statesman*, but its major focus was on the impact on creative writing. Indeed, much of the scholarship on the Act has focused on its impact on creative writing; the reality is, however, that the harshest penalties were reserved for journalists who reported sexual crime or immorality, under Section 14 of the Act, and its passage into law ensured that these matters and other difficult issues went unreported for decades to come.

The first and last case brought under Section 14 was against a newspaper editor for printing details of an alleged sexual assault on a child by a wealthy local businessman. The editor of the *Waterford Standard*, D.C. Boyd, was convicted within weeks of the Act becoming law for simply reporting, un-sensationally, a verbatim account of what had happened in court. Boyd was fined £25, but the judge made it clear that he could have imposed a much harsher penalty of £500 plus six months’ hard labour. It is worth noting here that the potential fine for publishing ‘judicial proceedings’ is ten times greater than for publishing a banned book (Censorship of Publications Act 1929). The judge informed Boyd that “this was just the sort of case the legislation was designed to deal with” and that this should act as a warning to other journalists. It did,

ushering in an era of journalistic compliance that ensured no further transgressions of Section 14 to date.

Writing in the literary magazine, *The Bell*, in 1941 ‘Crime Reporter’ mused:

“Few vice cases are ever mentioned in the press. Indeed a screen of official secrecy seems to shroud the whole question” (183). This culture was to be long lived, as late as the 1980s Woodman’s study identified a timidity amongst Irish editors to confront hard issues, with one editor of a national paper anonymously admitting that there “were stories, documentaries, investigative reports, analyses and factual accounts that were not being written”. It was censorship by anticipation. No one in Ireland was going to investigate ... difficult stories. (Woodman 1985, 202–203)

However, censorship extended beyond the journalistic. Two key reports originally intended for public consumption that could have provided insight into the plight of the Nation’s children and offered them some remedy were kept from public scrutiny as they were felt to be too politically dangerous for distribution.

The 1926 Report of the Inter-Departmental Committee of Inquiry Regarding Venereal Disease made uncomfortable reading for the Free State Government and Church hierarchy, both of which had fully expected to find that the spread of venereal disease was a legacy of the former British occupation, passed on by troops to urban prostitutes, who were now the main source of infection to degenerate men in the IFS. The truth, however, was that the disease was far more widespread amongst the general population. This ensured that the Report was never offered up for public scrutiny. However, there was an element of the Report that was so toxic that it was even edited from the Report that was itself subsequently embargoed. Namely, that there was evidence of the spread of these diseases amongst children in the IFS, a clear indication of child sexual abuse in the IFS (NAL.S4183). Evidence, that if the State had chosen to act on, may have aided greater protection of children.

Perhaps even more serious, in terms of child protection, was the suppression of the Carrigan Report. The Minister for Justice, James Fitzgerald-Kenney, on 17 June 1930, established a Committee to explore the upgrading of the Criminal Law Amendment Acts 1880–1885. Part

of the remit of the Committee, headed by K.C. William Carrigan, was to investigate the need to upgrade the legislation relating to child prostitution in Dublin. The Committee reported in August 1931, but the Report was considered so toxic to the reputation of the IFS that it did not see the light of day until its release to the National Archives in 1991 and the working papers of the Committee were not released until 1999. The Carrigan Committee unearthed evidence of extensive child sexual abuse in the IFS. Evidence was given to the Committee by medical practitioners, social workers, Eoin O'Duffy, the most senior police officer in Ireland, and a host of other experts; evidence that provided an extremely sophisticated analysis of the issues and their remedies. However, when the Report reached senior politicians and members of the Catholic hierarchy, the decision was taken to try to neutralise its potential negative impact on the image of the IFS by reviewing the issues it raised away from public scrutiny, which ultimately led to several of its most radical proposals being shelved and the important insights it raised being hidden from public view (Maguire 2007). A handwritten note from an unknown senior civil servant clearly indicated the religio-political sensitivities of the day, which ensured that political expediency won out over child protection. The memo asserts, after several pages of argument:

Apart from the question as to whether the report should be adopted, it is the question whether it should be published. The view of the Department of Justice is that it should not be published. It contains numerous sweeping charges against the state of morality of the Saorstát [IFS] and even if these statements were true, there would be little point in giving them currency. (NAI. SR 22/36)

The suppression of this Report clearly had a social and political agenda. The memo concludes:

Unless these statements are exaggerated ... the obvious conclusion to be drawn is that the ordinary feeling of decency and the influence of religion have failed in this country and that the only remedy is by way of police action. It is clearly undesirable that such a view of conditions in the Saorstát should be given wider circulation.

Once again religio-political concerns proved more important than the protection of children.

## **Industrial and Reformatory Schools**

During the ten years from 1858 to 1868 three significant pieces of legislation were enacted as the direct result of pressure from social reformers, the Reformatory School Act of 1858, the Poor Law Relief (Ireland) Act of 1862 and the Industrial Schools Act of 1868. From a contemporary perspective, the industrial and reformatory schools were rather draconian and impersonalised, but, in terms of the era in which they existed, they were largely well-run and inspected.<sup>6</sup> However, the advent of the Free State would herald a decline in the standard of care in these schools, which would lead to many, although not all, becoming neglected abusive institutions.

A triad of factors explains this decline. Pre-independence, the majority of the schools had been managed by the Church and regulated through inspections carried out by inspectors employed by the British administration. However, this inspection regime, whilst technically still in operation in the Free State, became tokenistic and partial (Lalor 2001), carried out by those deferential and loyal to the Catholic Church (Keating 2002). Additionally, the Free State administration did not have the resources enjoyed by the former colonial power and the schools quickly became starved of funds.

Added to these factors, the children housed in the schools, who had never enjoyed high-social status, notwithstanding the fact that there is evidence that they were better regarded prior to independence (McCarthy 2016), rapidly began to embody everything the IFS elites portrayed the 'real' Irish as exempt from destitution, sexual immorality, substance abuse and the breakdown of family. Therefore, these children needed to be distanced from the 'real Irish,' by placing a cordon sanitaire between them and what they represented and the virtuous citizenry of the IFS (Keating 2012).

Notwithstanding this, they were still children and as such, Church and State wanted to portray a virtuous impression of their care and protection.

The most graphic example of the propagandist use of these children is to be found in the case of the Artane Boys Band. Artane was an industrial school run by the Christian Brothers from 1870 until its closure in 1969. From 1886 until its closure a band comprising boys from the industrial school formed a close association with the leading Gaelic games and cultural association, the Gaelic Athletic Association. The Artane Boys Band became a regular feature at Ireland's premier Gaelic Games sporting features, the All Ireland Hurling and Gaelic Football finals, referred to by Brown as Ireland's equivalent to "Bastille Day in France or Remembrance Day in Britain" (Comerford 2003, 225), an event of immense cultural importance. The boys would appear smartly uniformed to demonstrate their musical prowess and marching ability. Their appearance was as much about the redemptive quality of compassionate care of these children by Church and State as it was about music, marching or sport, an event for which the Christian Brothers won plaudits for their good work. The truth, however, was that Artane was a brutal institution in which many children were beaten, raped and even murdered. They spent much of their time in unpaid manual labour, be it in the market garden run by the Christian Brothers or the band. Activities that the Christian Brothers benefited from financially, but for which the boys received no payment (Commission of Enquiry 2009).

The poor treatment of the children in the schools in no small way resulted from the quality of staff selected by Church and State to work in them. There is evidence that many of those members of the religious orders and others employed in the schools and those engaged to regulate them were equally as ambivalent to the children's welfare (Maguire 2009). Many were hostile to the concept of working with this population and were often drawn from the ranks of those who were deemed unsuitable to work in mainstream schools. Shockingly, the willingness of the Church to move 'problem' staff around the system has become all too apparent in recent years (Arnold 2009). The Irish State's indifference to the quality of personnel that they employed to work with these children was similarly abusive. In 1971, following the complete breakdown of order at a Department of Education remand facility in Dublin, Marlborough House,<sup>7</sup> which required the interjection of prison officers from Mountjoy Prison to restore order, the Minister of Justice was moved



to write to his opposite number in Education to protest at the conditions at the facility which were unsanitary and structurally unsafe and, he protested, that the staff “had been obtained from among Labour Exchange undesirables: young children had been left in their care when it was known that they indulged in brutality (NAI DJ 93/122). A reality that would remain officially hidden for a further three decades.

Despite these realities, between 1922 and the 1960s the State paid little attention to the schools, leaving the religious orders to run them as they saw fit. However, several enquiries were conducted. A review of the system conducted between 1933 and 1936, presented in the Cussen Report, was largely uncritical of the system (Burke et al. 1981), leaving it largely unchanged, as did the 1941 Children’s Act.

However, by the 1960s, even members of the hierarchy were concerned by the activities in some of the schools, Archbishop McQuaid of Dublin, in 1962, sought a private Report regarding Artane from a diocesan chaplain, attached to the Christian Brothers school, Father Moore, but the information was simply shelved. Another, more substantial Report was instigated in 1962 under the auspices of the Inter-Departmental Committee on the Prevention of Crime and the Treatment of Offenders (IDC). In preparation of their Report, the IDC despatched inspectors to several industrial and reformatory schools. An inspection Report written for the Committee by a Department of Education inspector relating to Artane demonstrates the propensity of civil servants to minimise the poor conditions they encountered. He advised the IDC that:

Before turning to other premises visited, I think it is proper to comment at this stage on the clothing of the boys, the outward show by which the uninformed public must, perforce, judge the work of the school. Canons of criticism inevitably change once the criticised is the ward of the State and/or in the control of the religious. The cherry nosed ruddy-faced boy playing coatless in a muddy street on a winters day will at once be the happy despair of his mother for his appearance and his father’s pride for his rude health. Place the same child in the gates of an industrial school and he immediately earns the label ‘neglected and exploited’. (NAI DJ 93/182/8)

The working papers of the IDC offers clear evidence that the State had ample evidence of the privations endured by children in the school, but

it was to take another ten years before the Irish State was to take its first tentative steps towards improving the system following a period of procrastination after the Report of the Kennedy Committee in 1970 (Reformatory and Industrial Schools 1970).

The Kennedy Report focused upon the administration of, and the conditions in, industrial and reformatory schools. The Report made far-reaching recommendations which in some cases have still not been implemented. However, it did lead to a major programme of closure of industrial schools and the introduction of different regimes for the few that survived. The Kennedy Report was to offer a benchmark for those seeking improvements in the Irish childcare system over the following decades.

Notwithstanding the pervasive denial surrounding conditions at the schools, countervailing forces were emerging. The Kennedy Committee differed from earlier committees in several key areas, particularly in its composition, which was not drawn exclusively from the establishment. This combined with an ever more complex media management environment meant that it was impossible for the government to shelve its findings quietly, as had happened in the past. The composition of the Committee was a deliberate ploy by the Minister of Education, Donogh O'Malley, part of a new outward-facing, post-revolutionary generation of politicians, who held a level of antipathy towards the Church and sympathy for the plight of the children. Unfortunately, O'Malley died prior to the publication of the Report, removing a champion in government for the more progressive recommendations of the Committee (Keating 2014).

The Report's recommendations covered the nature and type of residential units that were to be provided, with a focus on de-institutionalisation, geographical location, size and type of units, the recreation and creative facilities available, recommending 'over-compensation of care' to make up for prior neglect; it further proposed enforceable minimum standards of care, rigorous inspection, training of staff and managers, research into children's issues and parental involvement in a child's care whilst in the school, succinctly root and branch reform. However, its final Report was a watered-down version of the original. A compromise agreed to in order not to embarrass Church or State, brokered through agreements struck in

private by civil servants and committee members who sought to ensure that the worst excesses of the system were removed, in exchange for the Committee's silence over the abuses that they had uncovered (Ibid.), Demonstrating that denial and the maintenance of public ignorance remained powerful imperatives. In an interview in 2002 Mr Risteard MacConchradha, a Department of Justice Civil Servant who was appointed to the Committee, recalled how he was pressurised by senior officials in the Department of Education during negotiations over the content of the Report in which they attempted to dilute its content by the use of intimidation (30.4.2002).

Notwithstanding the watered-down nature of the published Report, the Department of Education, post O'Malley, continued to drag its heels over implementing its findings. Consequently, no action was taken regarding the Report for three years. MacConchradha claimed that this was because the senior civil servants in Education didn't want any possibility that the reality of life in the schools was exposed, asserting,

if the truth emerged their credentials would have been destroyed. They made sure there was no debate. The various departments suggested an inter-departmental committee, but frankly this was just a way of kicking to touch. It wasn't until about 1974 when a new generation of civil servants took over at the Department of Education, when the old guard retired that there was any action. It took that and a change of government that had a strong interest in the report from its Labour members to start the process of changing the system. The old guard didn't want it all to come out. (Ibid.)

Additionally, MacConchradha claimed that the religious were less than happy with the Kennedy Report, recalling:

The religious had a conference in Killarney sponsored by Bishop Casey. ... I was despatched by the Department and I didn't want to go. They were all there bemoaning the Kennedy Report. I met privately with Casey and told him that they needed to come to terms with reality and that we could have caused difficulties if we published everything. I said to Casey If we wanted to pillory the religious conductors of the Industrial Schools we could, so tell them to stop bleating and move on. With them it was all cover up, cover up. (Ibid.)

Regardless of MacConchradha's evident determination that conditions improve, when asked by the author why he didn't name and shame both Church and State, his response was telling of the loyalty that he and his generation had to both. He replied, "none of us on Kennedy wanted to shame the religious. We too were Catholics, we just wanted them to abandon the old system and start again" (Ibid.). An ambition not achieved by the Kennedy Committee, but the eventual action on its Report, at least introduced the possibility of change and the closure of the most abusive institutions.

## Conclusions

The concerns of the post-colonial elites did much to lay the blueprint of the social and political organisation in Independent Ireland that was to inform the *modus operandi* of the State for decades to come; a blueprint largely informed by their puritanical dispositions, economic conservatism and suspicion of free will. The government of the IFS was insecure, inclined towards secrecy and tied doctrinally and politically to a Church, which shared many of its traits in a heightened form. Consequently, the IFS's first government deepened the dispensation that the Church had enjoyed under British rule regarding the provision of education, health and social care. All of which ensured that it enjoyed a moral and economic authority it had never had under Ireland's coloniser.

Building on this close relationship both entities enmeshed to portray the IFS as a religio-political entity, destined to realise a historic mission that offered a beacon of hope to a world otherwise sullied by sin. Central to this doctrine was the virtue of the Gael, the moral superiority of the Church and the integrity of its governing elite. Beliefs imbedded in the founding myth of the IFS that both Church and State were committed to uphold. To this end, a wide variety of methods were deployed to ensure, as far as possible, that the good name of the IFS was not besmirched domestically or internationally. These included denial, covert suppression, overt censorship, demonising and denationalising that which didn't conform. At a human level, this meant differentiating between the 'real Irish' and those who were portrayed as foreign, enfeebled through sin,

evil or treacherous; the possessors of traits that threatened the mission and very existence of the IFS. Threats that the State sought, wherever possible, to make invisible, or if that was not feasible, to manage through the imposition of a cordon sanitaire bolstered by taboos that distinguished them from the wider population and upheld the reputations of Church and State.

The children in the Nation's reformatory and industrial schools were drawn from the poorest and least attractive sections of society, a stratum that embodied many of the 'evils' that were so worrisome to IFS ideologues. This ensured that these children were stigmatised, a labelling that ensured a poor level of resource allocation for their care. They were housed in sub-standard institutions, set apart from wider society. Institutions, run by Orders that represented the highest moral authority in the land, whose good name was completely enmeshed with that of the State and the credibility of its mission; thus ensuring a default position of denial regarding the poor conditions and abuses that took place in the schools. Abuses perpetrated by staffed deemed unsuitable to work in mainstream schools, embittered by the task assigned to them by their Orders. This toxic combination of factors was made worse by the perilous economics of the Irish State for much of the twentieth century, which ensured the State's dependence on the Church's infrastructure.

However, no matter how 'unattractive' these children were, they were still children, a population that held a set of duties for both Church and State, ones that the evident failure of which could call into question the integrity of both institutions, domestically and internationally. Therefore, these duties, despite overwhelming evidence to the contrary, had to be portrayed as being fulfilled, a task that required a denial of reality on a staggering scale. It is important to remember, however, that Church and State, whilst powerful and influential, were not totalitarian. Ireland was a democracy, but for decades the population failed to recognise or call the authorities to account for abuses that were conducted in plain sight, those very actions that subsequent generations would wring their hands over. The reality was that Church, State and populace had bought into a myth, a wilful ignorance, that ensured that they failed to recognise or address the plight of the nation's most vulnerable citizens, a failure driven by a desire for national aggrandisement over social justice and a structural

disregard for the rights and dignity of those who, inadvertently or not, transgressed the moral code. Perhaps William Butler Yeats captured it perfectly when he lamented, “our zealots idea of establishing the Kingdom of God upon Earth is to make Ireland an Island of moral cowards”<sup>8</sup> (Dail debates 1928).

## Notes

1. The ‘state’ in the context of this essay refers to the political and administrative arms of Irish government.
2. The Tribunal of Inquiry into the Beef Processing Industry was established on 31 May 1991, chaired by Mr Justice Liam Hamilton. It was set up to inquire into malpractice in the Irish beef processing industry, mainly centred on Goodman International. Additionally, it examined accusations of special dispensations given by the Minister for Industry and Commerce to Goodman.
3. 28 June 1922–24 May 1923.
4. A noble lie is a myth or untruth, often, but not necessarily, religious in tone, deliberately propagated by an elite to maintain social cohesion and/or to advance an agenda.
5. See Keating 2014, Curtis 2010.
6. Keating 2002, McCarthy 2016.
7. Marlborough House had no religious involvement in its management, neither was it staffed by members of religious orders, it therefore offers a graphic example of the state’s direct disregard for these children.
8. Cited by Mr J.J. Byrne in a debate on the Censorship of Publications Bill 19 October 1928.

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# 5

## Framing the Crisis: Private Capital to the Rescue

Steve Tombs

### Introduction

In September 2008, in contrast to any other social catastrophe—global warming, widespread hunger, poverty and the routine deaths of millions of children, acquired immunodeficiency syndrome (AIDS), TB and malaria epidemics, about which “there always seemed to be time to reflect, to postpone decisions” (Žizek 2009: 80)—one issue presented itself as “an unconditional imperative which must be met with immediate action”: the “banks”, for which read finance capital, in particular, and the global neo-liberal order, in general, had to be saved (ibid.). In the UK, ‘golden parachutes’ (Žižek 2009: 12) were handed out to the UK banking system: in December 2009, the National Audit Office (2009) produced an “overview of the government’s response to the crisis”, which showed that “the purchases of shares by the public sector together with offers of

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guarantees, insurance and loans made to banks reached £850 billion, an unprecedented level of support". The financial commitments made by governments since September 2008 have included purchasing shares in banks to enable re-capitalisation, indemnifying the Bank of England against losses incurred in providing liquidity support, underwriting borrowing by banks to strengthen liquidity, and providing insurance cover for assets. The Government "cash outlay" is said to have peaked "at £133 billion, equivalent to more than £2,000 for every person in the UK" (House of Lords and House of Commons 2013: 14).

In the US, the Troubled Asset Relief Program (TARP), developed on the back of the "Paulson Plan", effectively bailed out the US financial services sector, representing what has been labelled a "financial coup" (Harvey 2009; Johnson 2009). Under TARP, the US Treasury committed up to \$700 billion to promote stability in financial markets through the purchase and guarantee of "troubled assets" (Congressional Budget Office 2012: 1), and by February 2012, \$431 billion of this had been disbursed (ibid.).

These "financial coup[s]" (ibid.) marked the beginning of a new "age of austerity" characterised by sovereign debt, where the already most vulnerable within, and across, societies are targeted as the price worth paying for capitalist recovery. Moreover, these financial packages in both the US and the UK were accompanied by unprecedented levels of state 'intervention' in parts of the corporate sector. Notably, for example, numerous governments, including the UK, provided various forms of assistance to the automobile industry, "including subsidies to firms and direct involvement in industry restructuring plans", as well as varieties of car-scrapping schemes to increase sales (OECD n.d.: 2). During this period, many governments allowed the banks to ignore competition law—the supposed bedrock of neo-liberal markets; in the UK, for example, a merger between HBOS and Lloyds, two of the country's largest banks, was supported by the Government.

However, despite states rescuing capital from the crisis, there has emerged—not least in the UK—a dominant set of *consensual* responses which provide the basis for the further march of neo-liberal ways of organising and seeing the world. It is with some of the ways in which this remarkable outcome could be achieved that this chapter is primarily concerned.

Indeed, on the following pages, I argue that it was through a series of (quite often contradictory) blaming and framing techniques—in turn resting upon the use of analogy, motivated myopia, ignorance and deceit—that the construction, use and fact of economic, legal, political and social ignorance transformed the financial crisis into one of the public and the social, so that, as one commentator has put it:

Everywhere the crisis of the private financial system has been transformed into a tale of slovenly and overweening government that perpetuates and is perpetuated by a dependent and demanding population. This is an amazing transformation of the terms in which our circumstance is to be understood. For about 10 days the crisis was interpreted as a consequence of the ineptitude of the highly paid, and then it transmogrified into a grudge against the populace at large, whose lassitude was bearing the society down to ruin. (Robinson 2012)

Specifically, the chapter considers, with reference to the UK, how the financial, then economic, crises which erupted across much of the world from 2007 onwards have been politically and popularly framed—in ways which have allowed business-more-or-less-as-usual to proceed in their aftermath. The focus is upon various discursive initiatives and narratives which were constructed and utilised as and since the crisis unfolded. My starting point is with the claim that, “Narratives are important instruments ... because they co-construct and legitimize regimes by framing the way we see the world. Narratives are not author-less discourses, but represent specific, powerful interests” (Hansen 2014: 636).

## **Crisis, Whose Crisis? Blames, Frames and Morality Plays**

The crisis was framed in a variety of ways, which varied across nation-states, in ways which had more or less ‘success’ and which took a variety of forms. However, paying particular attention to the UK, many of these framings contained an implicit or explicit moral element—and moral narratives were *necessary* since they had to counter a moral outrage which

had, even if relatively briefly, borne down on ‘the banks’; indeed, hard as it may seem now to remember, for some twelve months or so. From late 2007, academics and public intellectuals, senior economists and the global financial press lined up at least to pose the question, ‘is this the end of capitalism?’, at the very least in its neo-liberal variants.

If such moral framings were to have effect, they had to both relate to and, at the same time, seek to shape aspects of popular consciousness. Thus, these framings are about securing consent, about addressing, and negotiating with, publics—and these are processes requiring “intensive ideological work” (Clarke and Newman 2012: 300), always fraught with difficulty (Clarke 2010: 391; Clarke and Newman 2010). Neo-liberalism “and its cultural political economy” is always partly about “sociocultural dynamics, conflicts and struggles” (Wiegratz and Cesnulyte 2015: 5) and these are particularly intense in times of crisis. Moreover, attempts to emerge from a crisis on the basis of new politico-economic settlements always involve utilising elements of existent and past, albeit still somewhere resonant, discourses—hence the significance of the increased valorisation of private capital which had extended beyond a quarter of a century prior to the crisis (Tombs 2001).

Exploring this valorisation of private capital, Snider has demonstrated (2000) how the phraseology of ‘burdens on business’ and ‘red tape’ to refer to laws designed to regulate economic activity became common currency, the unquestioned implication being that such burdens should be reduced as far as possible—since they no longer express any public good. The renewed moral status of private capital was partly a function of it *not* being the ‘other’, that is, wasteful, inefficient and intrusive public sector bodies. Thus, a key triumph of neo-liberalism was to connect with many peoples’ experiences of state monopolies in the provision of goods and services and, at the same time, to equate such experiences with the values which had helped create those forms of public provision—notably a moral collectivism. Further, for neo-liberal discourse, it is not simply that state and public provision is inefficient—through their very existence, they thwart individual and institutional innovation and competitiveness. Private enterprise, entrepreneurship, risk-taking, the pursuit of wealth and the ‘market’ all became valorised not just as the most effective means to certain ends—profits, taxation, wages or various socially necessary and

(perhaps) socially useful goods and services—but *as ends in themselves*. Thus, neo-liberalism was and remains more than an economic or political project: it also has a moral core (Amable 2011), albeit one beset by what are tensions and contradictions (Shorthose 2011).

## Identifying Blameworthy Subjects

One consistent set of discursive responses was a series of morality plays which had their origins in regarding individual bankers as “villains that brought down the world” (Whittle and Mueller 2012: 119). Whittle and Mueller’s (2012) analysis of the UK Treasury Select Committee hearings of 2009 into the banking crisis and, in particular, the questioning of four senior bankers therein demonstrates clearly that these were processes of moral condemnation. The conduct and substance of the Select Committee are instructive: within these morality plays, senior individual figures at the head of financial services companies—prime examples being Fred Goodwin, Stephen Hester, Andy Hornby and Tom McKillop<sup>1</sup>—were identified and vilified, often over very long periods of time. Moreover, such processes took place on both sides of the Atlantic (Froud et al. 2012: 44–5). Indeed, these were effectively quasi ‘degradation ceremonies’ (Garfinkel 1956; Goffman 1963)—*quasi* because although they were clearly ceremonial and certainly involved formal denunciation, not least in moral terms of blame and shame; lacking was any formal calling to account even if, for some who had been vilified, their lives *were* changed, albeit resulting in a lower profile rather than any significant diminution in their material standard of living (Harris 2012). Moreover, such ceremonial denunciation of specific, named individuals cohered with intermittent, less focused, much broader swipes at the guilty men of the City or Wall Street, which, in turn, drew upon distinct, but not entirely unrelated and, hence, utilisable discourses of *rogue* traders (Pludwin 2011: 470–2). Such ‘rogue traders’—a common discursive mechanism for isolating corporate harms and crimes—were rarely concretised into identifying specific individuals whose legal responsibility was ever to be tested in court.

In any case, what emerges from this generalised framing of specific or a ‘class’ of individuals is that, if there were ‘lessons to be learned’, they

were about eliminating bad apples or ‘tricksters’ (Kelsey 2014)—and not, therefore, about the necessity of the external restructuring of markets, sectors or fundamental practices within them through re-regulation. Thus, for example, reflecting upon the causes of the global credit crisis and the international recession, Lord Myners, the then Financial Services Secretary in Gordon Brown’s Labour Government was able to state,

The failures have not been failures of the market economy. They have been failures of men and women who forgot that market discipline meant that they had to be disciplined in order to get results out of the marketplace. Too many people got complacent and lazy – and the market responded as we should have predicted .... (Myners 2010)

Here, then, the superior morality of the abstract ‘market’ is lauded for its ability to discipline aberrant individuals who had not worked hard or creatively enough and who had been taught a Randian-type lesson.

However, it is worth noting that such was the level of this outrage directed at a broad sweep of leading financiers that this discourse was never easily nor wholly contained simply at the level of specific bad apples; as indicated, popular sentiment extended to ‘the bankers’, bankers’ pay and bonuses, sporadically if briefly widening out to both executive pay and, possibly more significantly, to ‘crony capitalism’—to which I return below.

That this was a protracted process of blaming is indicated by the fact that ‘banker bashing’ entered the popular lexicon. Indeed, some sought to call it to a halt. In January 2011, within days of taking over as CEO of Barclays, Bob Diamond told a parliamentary committee that he thought “There was a period of remorse and apology for banks and I think that period needs to be over” (Treanor 2011). As Werdigier put it, he argued that it was time “to move on from criticizing and to let banks and the private sector create jobs and economic growth” (Werdigier 2011). For Diamond, the question was “how do we put some of the blame game behind” (cited in Werdigier 2011). This has become a common refrain by the sector and its apologists. Fraser Nelson, editor of *The Spectator*, lamented in 2013 that “It has been almost five years since the crash and still the guilty men are being tracked down and subjected to what seems

like a never-ending trial for financial war crimes” (cited in Cohen 2013), while Anthony Browne, chief executive of the British Bankers’ Association, pleaded, “We need to put banker bashing behind us” (ibid.). The message here is simple: if individual men and women had erred, this should not prevent the key engines of neo-liberal capitalism from doing what they do best: finance the only means of recovery from recession, private capitalist investment and wealth creation, already established as the one best way for economic and social progress for over thirty years. This lay upon foundations built from the 1970s onwards, during which the achievements of the neo-liberal shift were exaggerated and its costs minimised. Neo-liberal failure to deliver the miracle of ‘trickle-down’ wealth and the developing crises of the tax-starved ‘debt state’ (Streeck 2014) had themselves required the dynamic and pervasive manufacture of ignorance over the decades that preceded the financial crisis of 2007.

As intimated, this generalised opprobrium took some dangerous turns—dangerous, at least, from the point of view of capital. At a most general level, there was a long-term popular and political outrage at ‘executive pay’—an issue that has certainly erupted from time to time in the UK, not least under conditions of neo-liberalism in which the UK has experienced widening levels of income and wealth inequalities, trends exacerbated under conditions of post-crisis austerity which the Government was attempting to impose under the rubric ‘we’re all in this together’. Government responses to such outrage both sought to acknowledge, even to claim at times to share, the popular discomfort and to represent such levels of remuneration as unavoidable in a globalised market—Britain Plc had to attract and retain the best people at the head of their largest companies in order to continue to compete effectively in globalised market-places and thus to facilitate recovery from recession. This latter claim appears to hold considerable sway—perhaps through repetition and a simplistic understanding of labour markets—despite there being absolutely no evidence for it (Bolchover 2013; Gigliotti 2013; High Pay Commission 2011a, b). Were this actually to be the case, then it might be noted that, compared to its European counterparts, the City of London must have some exceptionally talented people: a 2015 report by the European Banking Authority showed that 80% of financial services’ workers across the EU receiving more than €1m a year were based



in the UK, that is, “Across the EU, 5,124 financiers – bankers, fund managers and compliance experts – received €1m, of which 4,133 were based in the UK” (Treanor 2017). Such facts need not, of course, get in the way of the individualistic self-serving justifications at the heart of a neo-liberal moral economy, justifications woven into a peculiarly powerful morality, constructed over several decades.

A second general way in which blame has been apportioned is via the construction and use of a series of moralistic dichotomies. One such dichotomy which circulated in the UK was that between retail (good) versus investment (bad) forms of banking, a discourse which gained such power that it is the basis for the one ‘major’ reform to the sector which has resulted from the crisis, the so-called ring fence to be erected within banks to protect the former from the risks of the latter. This rather conveniently obscures the fact that the three major waves of consumer victimisation that have occurred in the sector in the past three decades—private pensions, endowment mortgages, and payment protection insurance ‘mis-selling’—all occurred within the retail sector (Tombs 2015a).

Further moral dichotomies have distinguished between ‘good’ and ‘bad’ borrowers (the latter being the sub-prime borrowers, in particular) and predatory as opposed to responsible lenders (Brassett and Vaughan-Williams 2012: 35). Such divisions have class-based and, in the US, racialised and gendered dimensions—and, while pernicious, these also have resonance as they bear an (albeit distorted) relationship to reality since saturated markets for mortgages saw less financially able groups exploited as a new, untapped source of super-profit for business (see, for example, on the distribution by ethnicity of sub-prime lending in the US, Sassen 2013: 31–2; Dymski et al. 2013).

Such resort to endless victim-blaming discourses (Weissman and Donahue 2009: 9), in turn, creates the basis for a wider encompassing of “suspect citizens” and their “culture of debt” (Pludwin 2011: 472). In some ways, this used the suspect lending practices of financial services firms and turned responsibility on its head. As Dymski et al. have noted of the post-2007 exposes of sub-prime lending in the US, “The defining aspect of the crisis was not that sub-prime loans and other forms of predatory lending disproportionately victimized minorities and women, but that borrowers were myopic, overly greedy, or both” (2013: 125).

This also created the basis for further, useful slippage, one that then allowed moral blame to be attached to many of us, logically related to the more audacious claim that ‘we’ were all somehow responsible for borrowing too much, enjoying easy credit, living beyond our means and so on (Brassett and Vaughan-Williams 2012). Thus, in general,

The relationship between individuals, their houses/homes and their investment and saving habits was suddenly produced as a category of moral analysis in the public sphere. Fear, guilt, shame and anger were mobilised and sovereign responses, typically couched in the humanitarian vocabularies of salvation and helping victims ... were not only justified but seen to be necessitated. (Brassett and Vaughan-Williams 2012: 41)

There is a double moral-movement at work here. First, the feverishly constructed, yet wholly fallacious, claim that we are all somehow to blame in effect neutralises attempts to target blame more specifically; second, this generally ascribed moral lassitude opens up a space for extraordinary measures—a state of emergency—to be justified on the grounds that we need rescuing from a situation which we have all helped to create—and, further, that our legitimate opposition to the nature of any such measures is thereby also undermined. In such ways, the politics and economics of austerity, grounded in ‘common-sense’ falsehoods and fallacies, appear as a necessary, albeit bitter, pill which we all have to swallow.

Thus, the emphasis upon bad borrowing, as opposed merely to bad borrowers, also opened up discursive space to invoke the credit card analogy (Broome et al. 2012: 5). This analogy was to prove crucial in the institution of the idea that nation-states had overspent. In 2008, whilst in opposition, Cameron used the *News of the World* to claim that the Labour Government “has maxed out our nation’s credit card – and they want to keep on spending by getting another. We believe we need to get a grip, be responsible and help families now in a way that doesn’t cost us our future” (Conservative Home 2008). Thus, although such an analogy is empirically (Reed 2012) and conceptually (Pettifor 2012) ludicrous, it had power since it resonated with the relatively successful balanced household budget analogy deployed over thirty-five years ago by both Thatcher and Reagan as they ideologically softened up their respective populations for

monetarist experiments. Indeed, Konzelmann charts 300 years of key themes within narratives designed to justify austerity—within which “appeals to ethics and morality”, which, in turn, are “reinforced by misleading analogies drawn between government budgets and the accounts of ... households”, have been central (Konzelmann 2014: 701). In fact, such claims proved pivotal in the very quick shift from the construction of the crisis as one of private, capitalist institutions to one of national debt, especially debt incurred through public sector and welfare spending, and thus a more general, public lassitude (Robinson 2012). More generally, then, this renewed attention to a diet of good monetary and fiscal governance via belt-tightening on behalf of a gorged population helped to make austerity not just palatable but necessary, both economically and indeed morally (Blyth 2013b: 1–15).

Such discourses support the claim that everyone and everything was to blame for the crisis (McLean and Nocera 2011). Thus, “Who’s not to blame? The mortgage brokers were out of control. Regulators were asleep. Home buyers thought they were entitled to Corian counters and a two story great room... This was an episode of mass idiocy” (Pludwin 2011: 472). If there was idiocy, claiming that this was ubiquitous is important: *if* we were all to blame, then no one, or nothing, in particular was to blame; and *if* we were all to blame, then it follows we should all share the pain of ‘recovery’—hence, again, the UK Government’s easy refrain that we are all in this together, albeit a claim always somewhat vulnerable in the context of clear empirical evidence as to the distribution and effects of austerity measures. The false but relentlessly repeated ubiquity of blame, coupled with the facile credit card analogy, are double movements underpinning the representation of private as public debt and ideologically fuelling the legitimization of austerity.

These indications are enough to highlight the prevalence of blaming strategies, albeit this discussion is not exhaustive—blame also extended at specific times to specific institutions (such as ratings agencies; Sinclair 2010) or to some of their specific practices (such as ‘short-selling’, limited forms of which were banned in the UK for six months from September 2008; see BBC 2009). But enough has been said to emphasise that what ties these discursive responses together is that such processes of actively naming and producing blameworthy subjects served,

a political and ideological function by focusing attention on individuals and groups and away from a confrontation with the normative and systemic violence of capitalism itself. In a moment of economic crisis one cannot merely say, “This is simply the natural force of the market at work,” since such a statement would certainly raise questions as to the soundness of the broader system. The restaging of responsibility to the active “discovery” of guilty parties helps maintain the integrity of capital and sustain the mythology that the market is rational, objective, and natural, but had been undermined and polluted by a few bad apples. (Pludwin 2011: 475)

## Silencing Blame Discourses

Pludwin correctly states, in the above quotation, that a response to the effect simply that the crisis was a *natural* effect of “the market at work” would have called into question the market system itself. However, there were some discursive responses which did, in fact, invoke forces of nature to ‘explain’ the crisis.

Thus, a further discursive response to the crisis transcends the paradigm of blaming—albeit whilst retaining systemic-insulating effects. This entailed the generalised use of the language of the *tsunami*, a force of nature which, in fact, made victims of individual bankers just as much as financial institutions, governments and taxpayers (Brassett and Vaughan-Williams 2012; Broome et al. 2012; Whittle and Mueller 2012). This invoking of the tsunami was so strong and generalised that it became metaphorical—the financial crisis *was* a tsunami. Thus, giving evidence to a Congressional Committee in 2008, Alan Greenspan, Chairman of the US Federal Reserve until 2006, while acknowledging a long list of “regulatory mistakes and misjudgements”, referred to the crisis as a “once in a century credit tsunami” (BBC 2008). As Greenspan spoke, fears were expressed that the tsunami which had started in the US and “rolled across the UK” would then move on to “the Continent” (Priest 2008). Within a year, political leaders of developing countries were telling the G20 that “[a]ll the warning signs suggest that the financial crisis has produced a tsunami heading directly towards some of the most vulnerable parts of the world” (Woods 2009). Months later, within the Eurozone, the crisis in Greece, formally defined as one of national debt, was generating fears

of a “Lehman-style tsunami”, as the crisis was seen to threaten Spain and Portugal (Evans-Pritchard 2010). More latterly, within the UK, the Coalition Government has sought consistently to represent the UK as a safe haven from the after-shocks of the tsunami affecting Eurozone states—after-shocks now represented as storms, presumably because of their longevity and creating the idea that *some* protection could be offered by nation-states. At the same time, of course, demonstrating that ideological frames need not be consistently drawn upon, the failures of the UK economy to ‘recover’ were consistently explained, at least partially, by the Coalition Government via references to external, uncontrollable shocks *upon* the UK economy *as a result of* ‘the crisis in the Eurozone’.

This metaphor has several related effects and elements, albeit not necessarily, at least on face value, consistent with each other. First, it renders us all as victims—and this status as victims in the face of uncontrollable external events was one of the moral appeals made by UK bankers to evade responsibility (Whittle and Mueller 2012: 126–129). Second, it depicts that which has victimised us as somehow both natural but also unnatural—it was a force of nature but also somehow aberrant in the normal workings of the world of finance. Third, it is plausible since it is entirely consistent with the ways in which markets, market forces, economic outcomes and so on are and have long been represented, as if natural, literally a product of nature, which, of course, at the same time “severs the economy from political life” (Pludwin 2011: 467) and thus any form of human agency—representations which dominant forms of academic economics have been crucial to upholding (Jackson 2013; see also Blyth 2013a). Fourth, the analogy with the tsunami also provides the basis for a ‘state of exception’ since, as is the case following any natural or other, specific ‘disasters’ (such as 9/11), these justify, in fact, necessitate, states instituting emergency measures—albeit ones for which we would all have to pay, both now and in the future, in exchange for some future state-promised if not state-delivered protection (see Broome et al. 2012; Brassett and Vaughan-Williams 2012). Thus, the financial tsunami allows

the government to justify incredibly large interventions to recapitalise the banks on behalf of such anxious citizens; the trick of course being that it was actually the citizens who were to subsidise the protection of the very

banks that created the excessive lending in the first place. (Brassett and Vaughan-Williams 2012: 27)

In general, across nation-states, bailouts, bail-ins, emergency budgets, state nationalisation of banks, have all taken place as executive acts—which, in effect, have liquidated democracy and exist in a space beyond the rule of law (Agamben 2005).

A further key feature of the idea of a tsunami is that it carries with it the connotation that what occurred across the international financial services sector *could not have been known in advance*. That is, it constructs the crisis as one of a lack of knowledge, or ignorance, albeit one that runs counter to “the common assumption that modern economies are knowledge societies”, an ignorance which is, at the same time, an active silencing, a closing of the possibility of critical debate (see also Mathiesen 2004). Thus, Davies and McGoey examine “the double value of ignorance: the ways that social silence surrounding unsettling facts enabled profitable activities to endure despite unease about their implications and, second, the way earlier silences are then harnessed and mobilized in order to absolve earlier inaction” (Davies and McGoey 2012: 66). More than this, “the ways that the fallibility of expert knowledge are alternately highlighted and downplayed are marshalled as a vital defence mechanism against unwanted governmental intervention” (Davies and McGoey 2012: 73). This, in turn, chimes with the consistent narrative in “official accounts” of the financial crisis which invokes “‘complexity’ in the nature of the securities transacted and in the structure of the financial industry as a way to convey difficulty to understand or apprehend, and thus to predict financial dynamics and regulate financial institutions” (Datz 2013: 459).

Of course, it would be erroneous to imply that such processes are secure—they are, in fact, subject to intense struggle, and silencing, pulverisation, and the general attempts to insulate institutions from fundamental critique are only more or less successful. We can see the fragility involved in attempts to respond to a crisis of legitimacy through containment and attempts to “close the universe of discourse” (Shorthose 2011: 108) by the fact that more system-threatening discourses about the crisis did intermittently and incoherently circulate.

## Blaming Capitalism?

This is not to say that there were no discursive responses to the crisis which had greater potential for placing some of the more individualised accounts into a wider context. Thus, the individualised moral critiques of personal greed have intermittently extended, or threatened to extend, beyond purely individual levels—through a widespread vilification of ‘the bankers’ though to a general critique of the relationship between pay, bonuses and poor performance, and into the wider critical considerations of banking culture and ‘crony’ capitalism.

One strain here has been to invoke critically a wider, albeit meso-level, immoral banking *culture*, with echoes of what Will—following others—has called, in the context of the US, a ‘Ponzi culture’ (Will 2013), one characterised by the valorisation of “debt, speculation or gambling, and the belief in rapid investment growth” (ibid.: 48), and “a product of the symbiotic relationship between government and financial institutions” (ibid.: 60). Problematic elements of the banking culture revolved around greed, short-termism, ‘excessive’ risk-taking; but all such ‘accounts’, if not specifically individualised, were abstracted from their structural and institutional contexts. This decontextualising was further bolstered, in the UK, by the establishment of the 2013 Parliamentary Commission on Banking Standards, the terms of reference<sup>2</sup> of which were to

consider and report on: professional standards and culture of the UK banking sector, taking account of regulatory and competition investigations into the LIBOR rate-setting process; lessons to be learned about corporate governance, transparency and conflicts of interest, and their implications for regulation and for Government policy; and to make recommendations for legislative and other action.

What is of interest here is how in the litany of offences in which the financial services sector has been clearly implicated in recent years—from waves of ‘mis-selling’ to consumers of across pensions, endowment mortgages and payment protection insurance, to money-laundering, LIBOR (London Inter-bank Offered Rate, a benchmark rate that some of the world’s leading banks charge each other for short-term loans) and FOREX (the foreign exchange market, a global market for currency trading)

manipulation, sanctions busting and tax evasion (Tombs 2015a)—*one* specific issue, the ‘problem’ of culture, is addressed through only *one* of these offences, the fixing of LIBOR, the inter-bank lending rate. It is unsurprising, then, that the report of the Commission (House of Lords and House of Commons 2013) did nothing to address the destructive, systemic features of the sector (The Economist 2013).

In its formal, political treatment in the UK, then, this focus on culture provided a mechanism through which the crisis was reduced and confined, at best, to second-order phenomena, via which it was also subjected to “de-democratisation” through “efforts to refuse social and political dimensions of the financial system, its purposes and its governance” (Clarke and Newman 2010: 713).

A second, but this time *macro*-level, moral critique also surfaced and resurfaced periodically and briefly—one which has actually spoken the word capitalism, albeit in the context of a series of simplistic moral dichotomies, between ‘good’ and ‘bad’, ‘moral’ and ‘immoral’, and ‘crony’ and ‘responsible’ capitalism. Indeed, in invoking ‘crony capitalism’, we saw the resurrection of a term that last circulated widely in the context of an earlier financial crisis, which afflicted Japan and neighbouring Asian states at the end of the 1990s (Sinclair 2010: 91). At times in the UK, the term ‘crony capitalism’ has been subject to high level, political rhetoric. Notably, in the space of a few weeks at the start of 2012, all three main party leaders made major political interventions on this issue (Tombs 2015b). As one might expect, however, the level of political ‘debate’ was anodyne.

First, Miliband followed up his Party Conference speech of 2011, where he focused upon “a system of irresponsible, predatory capitalism based on the short term, rather than productive, responsible behaviour which benefits business and most people in the long term” (Miliband 2011). Therein, he mocked the seeming “passion” of Government to “take on crony capitalism”, which he noted was “an agenda for responsible business that our business leaders already champion” (Miliband 2012). Then, within days, Clegg called for an end to crony capitalism and encouraged companies to follow the ‘profit-sharing’ model of the John Lewis department store group (Mason 2012). Cameron himself urged ‘reforms’ for greater accountability to shareholders (Pratley 2012). Such interventions only paved the way for Cameron to be able to emphasise the role of a socially responsible private capital forging an economic



recovery whilst performing many of the functions the state had previously been charged with, under a 'Big Society' tent, so that:

what I want to argue today is that those of us who believe in markets, business and enterprise need to come together and prove the sceptics wrong... we've got to take on certain snobbish attitudes. The snobbery that says business has no inherent moral worth like the state does ... that it isn't really to be trusted ... that it should stay out of social concerns and stick to making the money that pays the taxes. (politics.co.uk [2012](#))

Now, these latter discourses, regarding the 'need' for a renewed moral capitalism which, by definition, involve a critique of some form of immoral capitalism, are not insignificant. They create specific political risk, perhaps even crises of legitimacy, for governments, and these are typically political contexts in which albeit limited regulatory reform can be pushed through (Bittle [2012](#)). That said, and at the very same time, they failed, at least in the UK, to assume discursive dominance, partly due to the contemporary balance of social forces, partly an effect of generalised political scepticism and demoralisation and partly because they, in fact, have nowhere meaningful to go except that place which all state, institutional and organisational power will be deployed to prevent them going. The only place they can go is a place where they *cannot* go—that is, a more or less adequately conceived 'post'-capitalism. And one of the key effects of forty years of neo-liberalism, and, indeed, the elevated moral capital of capital during much of this period, is to render a world beyond capitalism and a world without the corporation each even less imaginable than had hitherto been the case. Herein, we find a system-insulating coincidence of ignorance production on the one hand and dis-imagination on the other—not recognising the world which we inhabit at the same time prevents us from conceiving of an alternative future.

## Discussion

Within two years of the Global Financial Crisis, a political consensus had emerged in the UK.<sup>3</sup> The financial crisis had been transformed into a national debt crisis and the assault on protective state expenditures, under

the name of austerity, which had begun in the last year of the Labour Government was significantly intensified by the Coalition Government from 2010 onwards. Moreover, all three major political parties which fought the General Election in 2010 were committed to *reducing* regulation of business: regulation, in general, was inherently burdensome and only to be an option of last resort, a minimalist necessary evil; and, in any case, regulation entailed costs for both the state and for business, costs that had to be restricted in the new 'Age of Austerity'. Thus, regulatory costs had to be minimised, on the one hand, as part of the overall attempt to tackle the new fiscal crisis of the state and, on the other hand, to reduce costs for the private sector, which was seen as the only vehicle for economic recovery. Absent from this political discourse was any sustained, critical consideration of the forms of state regulation which had fuelled unsustainable levels of profit maximisation on the part of financial services operating in the shadow-economy of derivatives and securities, a toxic process which created the very crisis to which more of the same poison was to prove the necessary cure.

When introducing his budget to the Commons shortly after the formation of the 2010 Coalition Government, Chancellor Osborne could quite confidently lay bare the shift from private to public debt, by then already a *fait accompli* which generated measures of urgent fiat, denoted by the naming of the budget as an 'Emergency' budget:

Questions that were asked about the liquidity and solvency of banking systems are now being asked of the liquidity and solvency of some of the governments that stand behind those banks... This Budget is needed to deal with our country's debts. ... This is the unavoidable Budget. (Osborne 2010a)

This, itself, was based upon the most duplicitous form of reasoning which was able to hook back into the credit card trick.

Let me tell you what a structural deficit is. It's the borrowing that doesn't go away as the economy grows, and we have £109 billion of it. It's like with a credit card. The longer you leave it, the worse it gets. You pay more interest. You pay interest on the interest. You pay interest on the interest on the interest... Delay now means pay more later. Everyone knows it's the most basic rule of debt. (Osborne 2010b)

Thus, within what quickly became known as the ‘Age of Austerity’, the price of ‘recovery’ was to reduce significantly the social wage across the western world. Government debt, re-cast as state over-spending rather than the socialisation of the effects of reckless, capitalist profit-taking, means that unemployment insurance, the deferred wages that are pensions, public services and the often still minimal protections offered by regulation are luxuries that could now be barely afforded.

What has emerged from the material and discursive responses to the crisis, then, is a crucial meta-narrative—that the conditions for, and the nature of, recovery places governments and populations as even more dependent upon private capital. This, in turn, immediately and necessarily—for *all our sakes*—reduces the scope for reinvigorated regulatory regimes. *Increasing* ‘freedom’ for capital is prescribed as the solution to the problems created in the first place by the excessive freedoms of capital.

Thus, it can now clearly be seen how the framings discussed above were *effective* and *neutralising*, as well as *reaffirming* of neo-liberalism. They were *effective*, had a social and cultural power with some momentum, because they reflected realities: bankers *had* demonstrated greed, recklessness and, at best, a moral indifference; economies *had* boomed on consumption based on ever-easy access to credit; access to risky credit *was* disproportionately distributed to class fractions and ethnic minorities who were sold lifestyles which could not be supported by low paying, under- or precarious employment; and the popularised myths of the end of boom and bust really *had* meant that, in some senses and for some, the crash did come unexpectedly, as if of no one’s making but also of everyone’s making. But these discourses were also effective precisely because individually, and in their combination, they individualised, isolated and pulverised the crisis, thereby *neutralising* the systematic nature of the financial and broader economic system from the critical, perhaps fatal, popular scrutiny that the events from 2007 onwards merited. At the same time, key elements of the moral code of neo-liberalism—the social valorisation of private wealth-making and profit-taking, of entrepreneurialism even where this necessitates evading ‘red tape’, of a seething mass of individualised, naked self-interest, all free from the intervention of state, law and regulation, as the necessary means for economic and social good—were all *reaffirmed*.

Thus, a series of post-crisis “mystifications”, which shuttled “between a market-centered responsibility and an agentic-centered blame model of

responsibility”, served to “sustain the supposed sanctity of the market” (Pludwin 2011: 476) and, crucially, the dominant actors within it. None of this was any simple trick nor straightforward process. There is no sense in which the narratives that were eventually to be more successfully attached to the crisis and its aftermath were *necessarily* to be successful, albeit at least two issues were crucial in determining which would be: first, what power and interests could be mobilised *around* which narratives—and, here, the long-term mobilisation and consolidation of interests around the claims of free-market economics was crucial (Blyth 2013a); and, second, to what extent did specific narratives *possess* power: which were authoritative (Stanley 2012), plausible and cohered with an already existing moral narrative (Whittle and Mueller 2012).

The power of this common-sense served both to insulate private capital as a whole from any effective, thoroughgoing critique, but, in fact, served to restore rather more than business-as-usual. Thus, the crisis did not produce any significant, nor serious investigations into the aetiology of the crisis, nor indeed criminal investigation of senior banking figures and financial services institutions themselves, nor any meaningful regulatory reform. More specifically, we do not know, nor are we likely to know, to what extent criminal activity was implicated in the events leading up to the crisis,<sup>4</sup> nor the forms and extent of criminal activity which those companies in receipt of financial assistance continued to engage in even whilst receiving this. Nor do we *really* know the financial costs of the long-term bailout of the sector. Further, it is also not unreasonable to ask what has happened to the bailouts (and indeed to the ‘cash’ injections provided by various rounds of Quantitative Easing in the UK, the US and, latterly, the EU), which, on the face of it, appear largely to have been hoarded by banks to prop up reserves and balance sheets—and thus shareholders (Konzelmann 2014) – rather than engaging in the stimuli which most post-crisis economies desperately needed and which central banks at least claimed was their intention. On one estimate, virtually all of the £200 million created by the Bank of England in the first round of Quantitative Easing was used by banks to restore profitability while lending actually declined (Murphy 2010).

In fact, the crisis of private risk and profit-taking became one of the public and the social, a crisis out of which ‘we’ could only be led by private capital, which, in turn, implied the need for further deregulation in

order to further free capital to perform this role. As I have sought to show in this chapter, the generation and construction of ignorance in its various forms, that is, through generating doubt, confusion and the not-quite-correct targets of blame, through the absence of knowledge and the creation of false knowledge, through the dissemination of lies, half-truths, banal simplifications, and through consistent *practices* of denial, have served in their combination, quite simply, to reinforce power. The ‘post-crisis’ settlement, defined via the term ‘austerity’, a seemingly neutral term, is one which ten years after the Global Financial Crisis, is characterised by “life-shattering violence”, a concerted “attempt to *permanently disassemble the protection state*” (Cooper and Whyte 2017: 1, original emphases). Such harms will endure for generations.

## Notes

1. The appearance of bankers before the Select Committee prompted a stream of vitriolic press headlines, most infamously in *The Sun*, which ran the front-page headline ‘Scumbag Millionaires’ alongside images of Sir Tom McKillop, former Chairman, and Sir Fred Goodwin, former Chief Executive of RBS Group (Hawkes and Pascoe-Watson 2009; see Stanley 2012).
2. <http://www.parliament.uk/bankingstandards>.
3. Albeit generally if not ubiquitously replicated at international level, not least through the work of ‘epistemic communities’ (Deacon 2011).
4. Certainly, most criminologists on either side of the Atlantic have barely bothered to give the crisis a second glance (Tombs 2015b), albeit that there have been some exceptions.

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# 6

## Managing Ignorance About Māori Imprisonment

Elizabeth Stanley and Riki Mihaere

### Introduction

New Zealand's prison population has recently reached its highest-ever level of 10,500 people. The majority of those incarcerated identify as Māori, the indigenous people of New Zealand (NZ). Accounting for about 15% of NZ's general population, Māori make up over half (51%) of all prisoners and 63% of those held in female prisons (Department of Corrections 2016, 2017). Almost three-quarters of those admitted to youth justice residences, are Māori (Ministry of Social Development 2017). Compared to other New Zealanders, Māori are more likely to be held on remand and more likely to be reconvicted or re-imprisoned

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within five years of release (Department of Corrections 2015, 2009a). This penal capture is chronic at every stage, and it has remained in place for over four decades.

Within the context of neo-colonialism, through which Māori have been made socially, culturally and economically precarious, Māori 'over-representation' has become normalised in NZ. In turn, Māori are more likely to experience prison conditions and treatments that are undoubtedly harmful. For example, national monitoring bodies have recently recorded significant concerns with NZ prisons, including assaults on prisoners, deaths in custody, and the inhuman and degrading use of restraints, systemic long lockdowns and solitary confinement (Fitzharris 2016; NZ Ombudsman 2017; Shalev 2017). At the same time, it has also been found that the Department of Corrections has failed to prioritise or act upon the need to prioritise Māori rehabilitation, to curb reoffending (Waitangi Tribunal 2017). Under current circumstances, the penal capture of Māori looks set to continue.

This chapter examines how the NZ state has facilitated different levels of managed ignorance to maintain this penal order. It demonstrates that agnosis has deep roots that cut across multiple sites of power. Colonisation has always depended on the construction of ignorance—about the culture, language, beliefs and being of the 'Other'—and the situation within NZ has been no different. The colonial history of violence, suppression and incarceration of Māori by Pākehā<sup>1</sup> settlers remains largely ignored, and the impact of neo-colonial harms is, in partial consequence, neutralised. The 'success' of colonial power is such that the over-representation of Māori as prisoners is now regarded as a normalised, inevitable feature of life. This penal capture is shaped by state strategies of silencing and distortion that propel neo-colonial imperatives.

Penal capture is further underpinned by a combination of ideological, institutional and structural forms of agnosis. First, political and media commentators construct Māori offending in terms of social pathology or deficit. Second, state institutions have developed strategies and programmes towards Māori that reassert Pākehā power, mangling Māori culture in the process. And, third, the state deflects responsibility from both the structural disadvantages and the state-institutionalised violence and discrimination endured by Māori over generations. Taken together, these forms of ignorance-making ensure that any responsibility for

‘over-representation’ is placed firmly on Māori who are deemed ‘deficient’. The state subsequently diverts responsibility from the political, economic, social and cultural harms that have underpinned penal capture over decades. This is an institutionalised agnosis through which neo-colonialism is perpetuated, performed and sustained. Still, agnosis does not always reign supreme, and we conclude with a discussion of how Māori have continued to resist both agnosis and incarceration.

## Agnosis

Agnotology—the study of ‘how or why we don’t know’ (Proctor and Schiebinger 2008)—is deeply linked to power relations. While ignorance might be regarded as a passive construct, ignorance is more often a ‘human-made product’ that emerges from economic, socio-cultural, political and institutional frames (Pinto 2015: 295; Croissant 2014). It can be feigned and manufactured (Slater 2012). Ignorance can be a ‘selective choice’ or a ‘strategic ploy’ (Proctor 2008: 6–8), socially positioned to ‘deceive others’ (Pinto 2015: 295). In the ‘post-truth’ political landscape of dominant states (shown in the conditions that brought ‘Trump’ to power or ‘Brexit’ into being), this manipulation of ignorance enjoys large-scale public acceptance. Whether through apathy (‘passive ignorance’) or approval (‘active ignorance’), false realities have popular consent (Smithson 2008).

Ignorance requires the support of certain ‘knowledges’, and the subjugation, rejection or distortion of others (Croissant 2014). Sometimes, it occurs through the gentle passing of time. But, ‘spin’ is likely. Agnosis is created:

...through media neglect and obfuscation, corporate or governmental secrecy and suppression, document destruction, myriad forms of cultural and political selectivity, inattention and forgetfulness, outright attempts to deceive and mislead (aka lying), and more. (Dossey 2014: 331)

It is also produced by careful repackaging, through attempts to ‘market’ dominant ideals as being in the public interest. Thus, oil companies ‘green-wash’ environmentally damaging products (White 2012), while

states garner support for welfare cuts through arguments of public good (Slater 2012). The end result is popular acceptance for the perpetuation of various harms—from endemic disadvantage, to violence, to environmental degradation—and a lack of awareness of how these harms are produced or sustained (Barton and Davis this volume). The distortion of this power-fuelled agnosis is entrenched, ‘self-perpetuating and difficult to break’ (Dossey 2014: 335).

Despite its contemporary resonance, agnosis has deep, expansive roots. Colonisation, for example, has always depended upon ignorance. Wilful ignorance helped colonial powers to render colonised populations completely invisible (such that, in Australia, European settlers represented the land as *terra nullius*, as empty, despite its habitation by aboriginal populations for tens of thousands of years). To know about, or to demonstrate an interest in, those subjugated through colonisation would require a recognition of their humanity (Said 1978). Still, engaging in such a literal denial of existence is difficult to maintain (Cohen 2001) and those with the power to guide dominant representational frames have been more likely to employ other strategies: to discredit indigenous populations or find them uncivilised, ‘non-intelligible or discardable’ (Santos 2012: 52).

The management of knowledge has been central to these colonial processes, not least as ‘civilizing the natives’ can be constructed as ‘for their own good’. Santos (2012: 52–53) establishes that there are various logics at play here that emphasise Western science, modernisation, classification, universalism and continued economic growth. Any other ways of being or knowing are made ‘non-existent’ or decreed as ‘backward’, ‘underdeveloped’, ‘lesser’ or ‘non-credible’. Ignorance results from a vigorous forgetting of indigenous or minority cultures and ‘truths’. For the colonisers, what is being ‘learnt is more valuable than what is being forgotten’ (Santos 2012: 57).

This vigorous forgetting is connected to a series of institutional and socio-cultural processes that must be continually sustained. Education has, of course, been central to the maintenance of colonial knowledge, culture and language (Smith 1999). However, discipline—for example, through violent force or institutional controls—has also operated to develop and perform ignorance. These forms of governance repeatedly

reproduce colonial narratives. They are ‘designed to destroy every last remnant of alternative ways of knowing and living, to obliterate collective identities and memories and to impose a new order’ (Smith 1999: 69). Within New Zealand, these colonising truths and actions have impacted from early settlement into the present day. They have underpinned the steady development and consolidation of Māori as prisoners.

## Colonisation and the Development of Carceral Control

Prior to Pākehā arrival in NZ, Māori lived in isolation and, over a course of millennia, developed a society, language and culture that define Māori as a distinct people. Everything changed with the arrival of the first Europeans, Abel Tasman in 1642 and James Cook in 1769, as trade and then immigration from Europe intensified. By 1840, there were estimated to be about 100,000 Māori and 2,000 permanent Pākehā settlers who resided mainly in the Bay of Islands, in the north of the country (Belich 1986). On 6 February 1840, following the arrival of Captain William Hobson, a representative of the British monarch Queen Victoria, Māori signed a document known as the Treaty of Waitangi (‘the Treaty’). With differing versions between the English and te reo Māori documents,<sup>2</sup> the Treaty was and remains contentious. The result, for Māori at least, was all-encompassing upheaval.

Following the Treaty, immigration from Britain dramatically intensified and over a relatively short period of 60 years, between 1840 and 1900, Māori became a 16 to 1 minority (Poole 1991).<sup>3</sup> Inevitably, as the number of migrants grew, so too did their insatiable hunger to acquire land. The 1841 Land Claims Ordinance, ‘which declared land not actually occupied by Māori as “Wasteland” and therefore the property of the Crown’ (Walker 1996: 68), allowed for the speedy transfer of Māori land into Pākehā hands. Whether by purchase, deception or illicit means, Pākehā quickly gained possession of the principal economic base that Māori relied on for survival. The explicit land clauses that the Treaty contained in order to protect Māori land interests had been breached—so much so that, by 1960, only four of New Zealand’s sixty-six million

acres of land remained in Māori ownership (*ibid.*: 65). Unconcerned about this dispossession, Pākehā settlers then exiled Māori politically by establishing a colonial government with voting rights that were confined to males over 21 years of age who had individual ownership of either freehold or leasehold land. Because Māori land was collectively owned in traditional Māori title, this property clause denied Māori access to political decision-making (Walker 1990). The result was war between Māori and Pākehā.<sup>4</sup>

Inevitably, as Bull (2004: 499) demonstrates, the arrest and imprisonment of Māori began to grow as Māori ‘came into conflict with legislation that had been passed in the interests of the colonizers’ continued land grabs. From the 1850s to 1920, the number of Māori in prison remained relatively ‘static’, generally between 50 and 200 prisoners. However, during certain periods, Māori prisoner numbers dramatically escalated. Authorities imprisoned Māori as they began to rebel against the colonial acquisition of land, the development of punitive laws and the incursions of Pākehā cultural demands—such as the requirement for all children to be subject to English-language schooling (Walker 1990).

Without the prison structures that pockmark the NZ landscape today, the colonial government found creative, often brutal, means to hasten the intensification of Māori land dispossession. As the land grab reached more isolated areas, major conflicts developed between Māori and ever-increasing numbers of British forces. The latter began to use incarceration as a tool of political control. For example, in May 1846, fighting broke out in the Hutt Valley between settlers and Māori leader Te Rauparaha and his people. Eventually captured, and held indefinitely without trial, Te Rauparaha was exiled to Auckland where he was held aboard an armed naval vessel, the *Calliope*, for ten months (Collins 2009). Almost two decades later, in 1863, more than 1,400 British troops invaded Waikato, where they defeated about 500 warriors of the Māori King Movement. The ‘Battle of Rangiriri’ brought significant losses on both sides. The British troops captured 183 Māori, who were initially held on an old coal hulk *The Marion* in Waitemata Harbour before being imprisoned at a disused copper mine smelter on Kawau Island, north of Auckland (Belich 1986). Two years later, as the insurgent Pākehā forces took their slaughter southwards, the Māori leader Te Kooti was exiled on the Chatham Islands



along with a large group of Māori men, women and children from the East Coast. Initially held by 26 guards, the prisoners were forced to build a redoubt of stone surrounded by a ditch and wall containing the stone prison cells that would eventually give them shelter from the elements (Binney 1995).

In 1863, the colonial government established the Suppression of Rebellion Act, a law that criminalised revolts and suspended rights to a fair trial before prison. From the 1870s to the 1890s, this and related laws were applied to Māori passive resisters at Parihaka who challenged land confiscations by ‘ploughing up survey lines, uprooting survey pegs and erecting fences’. This legislation was also directed at Māori who began to contest ‘oppressive’ new ‘taxes’ (such as a tax on dogs) that imposed controls without any benefits or amenities in return (Bull 2004: 507–508). Resisters were targeted with imprisonment.

Within this context, the state use of prison for Māori was rooted within the fertile ground of a colonial state. Prisons operated to quell resistance among iwi,<sup>5</sup> but they also worked to develop an inclusionary culture among Pākehā. That is, the differential policing and punishment of Māori helped the Crown to secure confidence from Pākehā settlers, as it gave an affirmation of state control (Bull 2004). While societal norms began to cohere for Pākehā, Māori became increasingly defined as ‘Other’, a ‘warrior race’ that required deepening state controls and discipline (Jackson 2017). Such criminalising mythology ‘legitimate[d] excessive policing, the use of state violence, the loss of liberty, and diminished social and economic participation’—it also permitted ‘an historic and political amnesia in relation to Indigenous rights’ (Cunneen and Tauri 2016: 68). This colonial recourse to Māori as ‘threat’ has long-lived repercussions.

The brutality of New Zealand’s colonisation and its enduring significance are regularly ignored within social, educational and political conversations. Despite the Waitangi Tribunal<sup>6</sup> recording detailed histories of incarceration, confiscations, battles and other harms, the violence of colonisation remains relatively invisible. For example, in 2014, the Waitangi Tribunal (WAI 1040) reported that Ngā Puhi chiefs had not ceded sovereignty to the Crown in signing the Treaty. In response, then Prime Minister John Key maintained the untruth of Māori consent to British rule, stating ‘[in] my view New Zealand was one of the very few

countries in the world that were settled peacefully' (cited in Bell 2017: 66). A couple of years later, following a public petition lodged by two schoolchildren to Parliament, the Ministry of Education refused to change the curriculum to include teaching on New Zealand's land wars, on the grounds that it would erode school 'autonomy' (Price 2016). The extensive violence inflicted by British authorities on Māori is not officially viewed as a 'truth' that must be understood by New Zealanders.<sup>7</sup> It is, instead, discarded from most mainstream debate.

## Constructing Māori Deficit and Delinquency

During the second half of the twentieth century, a sequence of events dramatically changed the face of Māori society and culture over the short period of one generation. Prior to the Second World War, the majority of Māori and Pākehā lived relatively separate lives. Approximately 80% of Māori resided rurally, in traditional Māori communities, while the majority of Pākehā populated the urban centres that had developed as Pākehā society capitalised on controlling the economic land base (McKinnon 1997). However, over a relatively short period of two decades, between 1945 and 1965, the geographical divide between Māori and Pākehā narrowed, as Māori were increasingly forced to move from rural to urban environs in search of work. By 1965, 75% of Māori lived in urban areas (McCreary 1968).

As new arrivals to the city, Māori families endured a particularly harsh environment of cultural disconnection, low placement in a wage economy, stigmatisation and discrimination (Stanley 2016). Despite the widespread prevalence of New Zealand's most enduring lie that 'Māori/Pākehā relations are the best in the world' (McCreanor 1993: 61), the urban Māori population was confronted with racism. Notices at the entrance to establishments frequently stated that "Māoris are not allowed", while Pākehā employers often held the view that "Māoris are unreliable" (Ausubel 1960: 176–7). Māori also found that they increasingly came to police attention, often for the most minor misdemeanours, and they progressed through the welfare and criminal justice systems at an alarming speed (Stanley 2016).<sup>8</sup> As a result, these systems became new arenas of conflict between the partners to the Treaty.

In response to concerns about ‘the state of Maoridom’, the government appointed a senior public servant, J.K. Hunn, to survey a host of issues, including land, housing, education, health and crime. His 1961 Report saw a need for economic, educational and social advancement of Māori, however, it emphasised Pākehā power, norms and values for these ends. Thus, “[i]ts recommendations aimed to hasten the assumed natural evolutionary path towards the ‘integrationist’ version of assimilation and (ultimately) the ‘distant end-result’ of ‘final blending’ (Hill 2009: 92). With a belief that Pākehā culture was superior to Māori, the Report portrayed an advancement in terms of Māori shedding any identifiable remnants of Māori culture and adjusting to Pākehā ‘modern life’ (Hunn 1961: 16).

With regard to crime, the Report tried to find answers to what was perceived as the ‘inordinately high incidence of law breaking by Māoris’ (ibid., 1961: 32). Two points emerged that were to have long-standing repercussions on how Māori offending would subsequently be viewed and framed. First, while Hunn acknowledged the colonialism that ravaged Māori society, the Report omitted any reference to, or concerns about, the devastating impact this had on Māori people. Instead, Māori offending was individualised towards the Western-held view that an individual is held accountable for offending behaviour<sup>9</sup> with the social context largely ignored. Ignoring the past and present impacts of colonisation continues to be a key frame within most criminal justice actions in New Zealand. Second, the Report portrayed ‘Māori offending as a by-product of cultural maladaptation to Pākehā society’ (Webb 2012: 73). Māori failure to conform to Pākehā law was ‘due to their inability to cope in the modern world because of inherent flaws in their character or culture’ (McCreanor 1993: 61). Thus, offending behaviour was the result of Māori deficits that impeded Māori ability to know or act in a manner deemed consistent with Pākehā legal and social norms.

This narrative of Māori deficit has found broader appeal with other ‘monocultural’ research that has defined ‘the Māori offender... as an urban misfit, a cultural maladept, an educational retard’ (Jackson 1988: 26). It has continued to percolate through mainstream discourse. For example, Māori are linked to ‘a familiar litany of social pathologies’ within media and political reporting (Slater 2012: 948)—having a ‘warrior culture’, being child abusers, refusing to shift from welfare dependency, being

gang members (Chapman and Levy 2011; Marks 2011; Newman 2004; Newstalk ZB 2016; Sachdeva and Kerr 2016). These narratives are reflected in political speeches. Within Parliament, politicians have decreed that Māori 'need to accept their responsibility for their culture of violence'.<sup>10</sup> They must 'break free from the shackles of gang thuggery, to disown gangs, and to stop making excuses for them'<sup>11</sup> and see that crime has become 'a way of life', something developed 'from the time that an offender is born or probably even before the offender is born'.<sup>12</sup> Māori penal capture is represented as the inevitable result of 'their' pathological and socio-cultural deficits.

Political, media and educational discourse serve, therefore, as forms of distraction that obscure the structural, institutional and socio-cultural contexts in which Māori offending occurs. Such bias can also be observed in the fact that there has been little government interest in the issue of Māori 'over-representation' over the last 40 years (for exceptional examples, see Department of Corrections 2007; Morrison 2009). From 2008 to 2016, no Department of Corrections briefings 'made any mention of Māori or the need to reduce overrepresentation in prison' (Workman, cited in McLachlan 2017). Similarly, there has not been one substantive Parliamentary debate on Māori over-representation in prisons over the last 20 years. In many ways, there has been an active manufacture of ignorance, in which Māori imprisonment has been silenced through its apparent normalisation. Yet, when this silence is broken, there is always a ready explanation: Māori deficit and delinquency.

## Manufacturing Cultural Consciousness

Over the last half-century, there has been continuing Māori awareness of, and open resistance to, the ongoing and insidious nature of colonialism. The 1970s and 1980s, in particular, were defined as an era of Māori renaissance, a period when Māori actively worked for self-determination to ensure the ongoing survival of Māori culture and to fight for the Treaty rights that had been 'routinely ignored' within legal, administrative, educational, political and social realms (Cunneen and Tauri 2016: 15; Walker 1990). Facing such activism, criminal justice agencies, like all areas

of central government in NZ, juggle with what have become known as ‘Treaty obligations’. A key aspect of the Treaty entails the protection of Māori culture, ensuring that Māori have the right to live as Māori and as equals. In turn, the state is obligated to pursue actions imbued with Māori culture. Within the Department of Corrections, a series of tikanga Māori (or Māori cultural identity) policies and programmes have been established over the last couple of decades. This has included defined Māori strategic plans, aimed at reducing Māori reoffending and reimprisonment<sup>13</sup> (McFarlane-Nathan 1999; Department of Corrections 2001, 2003, 2008).

Yet, despite this apparent ‘Māori cultural’ focus, there has been no significant change in the status of the Māori prison population, which has remained at approximately half that of the total prison population since 1980. A key element of the failure to decrease Māori imprisonment relates to the ways in which Māori cultural knowledge has been developed and framed to suit Correctional interests. That is, while the Department has invoked the label of Māori culture, the subjugation of Māori to Correctional imperatives has remained intact. This form of agnosis is led by cultural ‘spin’.

Over the last 20 years, the Department of Corrections has cycled through a range of newly designed Māori cultural models, complete with Māori names.<sup>14</sup> Each of these approaches has been designed ‘in-house’, formed with limited consultation or input from any partnership Māori community. They are inevitably untested but are proclaimed to hold the potential to raise the Department of Corrections ‘achievement level to an elite standard’ (Campbell 2016: 9). Nonetheless, over time, each model is determined to have failed in meeting its defined goals (Mihaere 2015). Subsequently, the Māori cultural model is redeveloped, rebranded and rolled out once more.

Such limits on the Department’s partnership with Māori communities as programme developers will, inevitably, sustain a skewed version of Māori cultural models. However, false knowledge about Māori (e.g. that Māori deficits make imprisonment more likely) or about state authority (e.g. that state authorities have *the* answers to crimes committed by Māori) are also sustained through other discourses and activities. For example, the Department maintains a managerialist and psychological

language that is difficult for ordinary citizens to decipher. It is a world of key performance indicators, risk management and criminogenic needs. This opaque language is central to the maintenance of Correctional dominance as ‘the experts’ who ‘know’ (Mihaere 2015). As one Māori Corrections employee highlighted:

We ourselves have been guilty of developing and then delivering a ‘reo’<sup>15</sup> that only we have an understanding of...our Koroua<sup>16</sup> and Kuia<sup>17</sup> will often sit and give the impression they understand, but their body language suggests otherwise...in short, Corrections has created a language...with acronyms and exclusive terms relevant only to the presenters. (Department of Corrections 2010: 3)

However, the issue of exclusionary language is further complicated by the use of Māori culture as a means to engage Māori offenders into Pākehā programmes. Māori cultural identity can provide a sweet cover for a bitter (psychological interventions) pill. Therefore, while the Department has continued to cycle through Māori programmes, it simultaneously holds the view that Māori culture will not ‘have a significant impact on a participant’s likelihood of re-offending’ (Campbell 2016: 9).

The theoretical underpinnings that form the fundamental basis to all of the Department of Corrections’ responses is a psycho-therapeutic framework that individualises offending behaviour and—paying homage to the previously mentioned Hunn Report—ignores the ongoing impacts of colonisation on Māori society. In turn, ‘The [cultural] programmes are designed to motivate offenders to engage more fully in further interventions that will help them not to re-offend’ (Campbell 2016: 9). In other words, Māori cultural identity has been misappropriated by the Department of Corrections to pacify Māori concerns, to meet Treaty obligations and to engage Māori prisoners into default Pākehā programmes (see Mihaere 2015). Māori cultural identity is used by Corrections as a subterfuge. This can be seen very clearly through the content of the Māori Therapeutic Programme (MTP). In 2009, Corrections described the MTP as:

...similar to that used in existing mainstream rehabilitative programmes, centering on understanding the patterns of behaviour, emotion and interaction that lead up to “relapse” into new offending. Participants are taught

social, cognitive and practical skills necessary to avoid such relapses. In exploring such issues, the MTP uses Māori cultural language, values and narratives to assist participants' learning and change. (Department of Corrections 2009b: 6)

The Māori Therapeutic Programme workbook, *Mauri Tū Pae* (Department of Corrections 2012) provides a useful example of incorporation. Within its 544 pages of explanation and exercises, which deliverers follow over the course of 12 weeks, the content follows a Pākehā cognitive thinking format. There are Māori names given to case studies, and Māori words to explain certain aspects of 'wrong' or 'right' thinking; however, the fundamental layout of the workbook is psycho-therapeutic. The result is that *Mauri Tū Pae* will always be a psychological programme with Māori cultural identity grafts. Noted Māori elder Hinewirangi Kohu-Morgan, a co-author of an initial draft of the programme, reflected during a 2013 interview with Radio NZ that previous courses were 'Pākehā programmes with a few Māori words' and that while the new programme increased the input of Māori values and tikanga (to about 40%), it continued to be dominated by Pākehā values. She also revealed the 'power play' between the Department of Corrections and Māori, arguing that Māori should have more control in rehabilitation processes (Radio New Zealand 2013a). An immediate response came from the Department's Pākehā assistant general manager for programme design and implementation, who had overseen the 'rewrite' of the *Mauri Tū Pae* programme into a Correctional psycho-therapeutic framework. He argued that the programme contained 'more Maori content' than indicated by Kohu-Morgan, noted that 'concerns about the level of Māori content ha[d]n't been raised', and emphasised the 'collaboration with Māori providers when writing the programme' (Radio New Zealand 2013b). Ultimately, the Department of Corrections determined the meaning and level of Māori cultural identity in ways that Māori viewed as a case of distortion and misappropriation (Mihaere 2015).

In summary, here, the Department has invoked a form of cultural 'spin' through which they are retained as 'experts' in rehabilitation. This involves two key strategies: first, the deployment of language that is, intentionally or otherwise, exclusionary to most citizens and, second, the incorporation of Māori cultural identity as a means to meet Treaty

obligations and engage Māori prisoners into Pākehā psycho-therapeutic programmes. In many ways, these latter programmes fail to offer Māori cultural responses—they are individualised, decontextualised from the violence, dispossession and denigration of colonisation and they do not prioritise the basic principles of Māori culture (such as whanaungatanga, manaakitanga, aroha, te reo, tohungatanga or pukengatanga). Each model has, over time, been shown to fail. Yet, for this, blame is then apportioned to the failings of individual Māori offenders and to the limitations of Māori culture in improving lives (Mihaere 2015). This is an active manufacture of ignorance in which Māori culture is mangled to maintain state authority. Whether this results from a ‘blissful unawareness or innocent absence of knowledge’ or ‘of rational calculation’ (Slater 2012: 960), the end result is the same: the continued and increasing progression of Māori into the prison system.

## Diverting Responsibility

Thousands of Māori now revolve through the NZ prison estate each year—the Māori imprisonment rate is a staggering 655 prisoners per 100,000 population (Salvation Army 2017: 24).<sup>18</sup> And, as detailed above, politicians, media and other commentators regularly attribute this social problem to perceived individual and socio-cultural deficits among Māori. In doing so, they divert public attention away from the structural, institutional and political relations of dominance and subordination that have sustained neo-colonial harms over decades.

In relation to ‘historic’ grievances, there has been some progress. Since the Waitangi Tribunal was established in 1975, there has been a substantial body of historical research illustrating the atrocities upon Māori over the course of colonialism. Today, many of the claims to the Tribunal have been settled, apologies from the Crown have been given with great fanfare, and there is a prevailing view that Māori healing has begun. Nonetheless, there has been little effort to deal with the continuing impact of almost 180 years of discriminatory Pākehā laws, land acquisitions, state violence or imprisonment on Māori (Bull 2004; Walker 1990). Racism and discriminatory practices remain embedded within



Pākehā institutions (Jackson 1988; Mihaere 2015). In 1988, Moana Jackson investigated the interface between young Māori and the criminal justice system. Drawing upon interviews with Māori across the entire country, he graphically described the racism that Māori experienced from justice agencies. Ten years later, two complementary research projects addressed the same issue. Eliciting Māori perceptions of the police, Te Whaiti and Roguski (1998: 65) recorded that nothing much had changed, as ‘participants’ experiences of police abuse’ showed that police were still ‘failing Māori’. In related research, involving 737 sworn police officers, Maxwell and Smith (1998: 23) illustrated ‘a lot of racism toward Māori’. A third of police respondents said that ‘Maori were more likely to be suspected of an offence and nearly a half said that Maori were more likely to be stopped if seen driving a ‘flash’ car’ (ibid.: 23). Two-thirds had ‘heard colleagues using racist language about suspects or offenders’ (ibid.: 6). Between 1998 and 2009, another 13 Reports ‘provided clear evidence of systemic bias against Māori’ (Workman 2016a: 98).

Despite the persistence of these findings, the political response has been one of silencing and misdirection. In recent years, ‘government agencies stopped addressing the issue [of structural bias], and actively discouraged external researchers from undertaking this research’ (Workman 2016a: 99). The previous National government directed emphasis to the risks of persistent offending and benefit claims.<sup>19</sup> Thus, a Police Minister argued that prisoners pursue ‘violent lifestyles and a violent culture’ in which ‘kids die’ and government research has counted the dollars spent on welfare benefits towards gang members and their children (Sachdeva and Kerr 2016). To these individuals, a punitive regime is envisioned. In the 2017 election campaign, the Deputy Prime Minister, Paula Bennett, argued that ‘some [criminals] have fewer human rights than others’ and that ‘scum gangs that peddle drugs don’t deserve protection’ (Satherley 2017).<sup>20</sup> In a pledge to boost police numbers, the Prime Minister Bill English proclaimed: ‘We are unashamedly targeting offenders to ensure they are off our streets’. The government announced plans to establish a military ‘bootcamp’ for ‘serious young offenders’, to further tighten bail and parole requirements and to fine parents whose children were outside, unsupervised, at night (National Party 2017). This penal punitiveness recasts the problems away from the issues of structural

inequalities, systemic discrimination or bias and towards violent, 'non-responsible' individuals.

On the surface, criminalising populist debates tend to be devoid of direct attribution to 'race', however, they are contextualised by a constant narrative of the need to 'reduce Maori offending' (Bennett 2017). Crime, within New Zealand, is cast as a Māori problem—*they* demonstrate the 'risk factors' for offending, and *they* are over-represented. Risk screening tools that determine criminal justice interventions—such as education or employment status, care and protection histories, socio-economic home location, mental health problems, family members with offending histories—appear to be neutral, however, they are inevitably skewed against Māori who bear the brunt of socio-economic disadvantage, structural dislocation and institutionalised discrimination.<sup>21</sup> In comparison to all other ethnic groups in NZ, Māori have higher rates of psychiatric illness, poverty, unemployment, poor health, suicide, alcohol abuse, illicit drug convictions, lower rates of educational achievement, income and home ownership (Marriott and Sim 2014; Ministry of Health 2015; Ministry of Social Development 2016; NZ Drug Foundation 2013; Simpson et al. 2016; Statistics NZ 2016). These risks 'did not just magically appear', rather they were produced 'through colonial dispossession and maintained through ongoing laws and policies of exclusion' (Cunneen and Tauri 2016: 158). Such disadvantages shape and identify communities in ways that make Māori more susceptible to attention from state agencies and criminal justice processing.

Further, risk factors hide the levels of systemic victimisation against Māori. For example, Stanley (2016) has demonstrated the criminogenic nature of abusive 'state care' that funnelled thousands of Māori children (and their offspring) from state 'care' into adulthoods of chronic disadvantage and imprisonment. For decades, the NZ Government refused to inquire further, on the basis that there was 'no evidence that [state harm] was a systemic problem' (Radio NZ, 30 November 2016). Such wilful avoidance ensured no recognition of how serious violence and neglect by state agencies disproportionately harmed Māori. The responsibility for risks, and the creation of risks, is officially directed to individuals rather than attributed to the decision-making and actions of state institutions.<sup>22</sup>

The continuation of neo-colonial attitudes and practices towards Māori is, then, ignored through the systemic normalisation of structural disadvantage and institutionalised violence. The dominant criminal justice emphasis upon Māori deflects reality from a state that has been built upon inequalities and whose social welfare and penal systems have generated ongoing ‘marginality, inequality and precarity’ for Māori (Slater 2012: 964).

## Conclusion: Māori Resistance to Agnosis

Agnosis operates to maintain silence, suppress and divert. For Māori, it has led to continuing subjugation through state discrimination, violence and incarceration. Based on long-entrenched stereotypes, myths and ideologies, this agnosis is difficult to contest. Nonetheless, Māori have continually sought to produce compelling counter-narratives to the ignorance-producing machinations of the state. Following in the footsteps of Moana Jackson’s (1988) substantive research, Māori scholars continue to challenge state agnosis. Among other things, they: highlight levels of institutionalised racism within criminal justice agencies; track the particular impacts of state neglect and violence on Māori; and contest dominant theories of Māori offending (see, for instance: Cunneen and Tauri 2016; McIntosh and Goldmann 2017; Moyle 2014; Moyle and Tauri 2016; Quince 2007; Tauri and Webb 2012; Webb 2006; Workman 2016b). Collectively, these scholars provide a much-needed critical counter to dominant state narratives on Māori, crime and justice.

On occasion, Māori are also successful in challenging ignorance by other means. For example, a recent case to the Waitangi Tribunal has contested the apathetic state response to significant Māori over-representation in prison: In 2015, retired probation officer Tom Hemopo filed a statement of claim to the Waitangi Tribunal on behalf of himself and his iwi. The claim alleged that the Crown, through the actions of the Department of Corrections, had failed to make a long-term commitment to reduce the number of Māori in prison and to reduce the high rates of Māori reoffending. Further, the claim outlined that the Department of Corrections

allowed its Māori-focused strategic planning to lapse without replacement and that Māori were not consulted about that decision (Waitangi Tribunal 2017).

In its 2017 findings, the Waitangi Tribunal determined that the responsibility of reducing Māori reimprisonment rates was a Treaty issue. The Tribunal concluded that as a result of Corrections having no specific plan or strategy to reduce Māori reoffending, no specific target to reduce Māori reoffending and no specific budget to meet this end, the Crown had failed to prioritise the reduction of Māori reoffending. The Crown had breached the Treaty principles of active protection and equity by not sufficiently prioritising the protection of Māori interests or a reduction in reoffending rates. Further, the Tribunal determined that if the Crown continues to fail to develop partnerships between Māori and the Crown, it will breach its Treaty partnership obligations. The Tribunal (Waitangi Tribunal 2017: xi) subsequently developed a host of recommendations, including that the Department of Corrections now has to:

- Revise and increase the influence of the Māori Advisory Board, allowing for the co-design of programmes and the implementation of a revised strategic focus to reduce Māori reoffending;
- Create and commit to measurable specific targets in relation to Māori reoffending rates;
- Establish a dedicated budget to ensure Māori-specific strategies, targets and programmes are adequately resourced as a priority (to include advice and training to senior Corrections staff on *mātauranga* Māori and Treaty obligations);
- Amend the Corrections Act 2004 to reassert the Crown's obligations with regards to the Treaty.

The Tribunal reiterated the Crown's obligations to protect Māori interests and to facilitate partnership with Māori. Further, the Report emphasised the need for the Department of Corrections to publicly report on their activities. For the Tribunal, ignorance about Māori imprisonment and reimprisonment is not an option.

In the wake of this rare break from agnosis, we argue that there remains fertile ground to resist. The challenge to Māori penal capture must, how-

ever, move beyond the development of new institutional processes, strategies and targets. The forms of ignorance that have sustained Māori over-representation have been actively constructed over many generations to ensure and consolidate Pākehā power within a context of colonisation. This ignorance has, as this chapter has shown, been formed through educational, political, welfare, justice and media systems, and been propped up through state violence, threats and systemic, racialised denigration. Agnosis has been deeply structured into NZ society—it continues to perpetuate neo-colonial attitudes towards Māori and sustains assumptions that there is no real alternative to incarceration. The challenge for criminologists, among others, is to further track, unpack and challenge these multiple states of ignorance.

## Notes

1. A term referring to ‘non-Māori’.
2. There are two signed versions of the Treaty, English and Māori, with one copy of the English version and eight copies of the Māori version. Controversially, the two versions do not say the same thing. In the English version, Māori cede sovereignty and were guaranteed the full, exclusive and undisturbed possession of their lands, estates, forests, fisheries and other properties. In the Māori version, Māori cede Kawanatanga (Governance) and were guaranteed Tino Rangatiratanga (sovereignty) o ratou wenua o ratou kainga me o ratou taonga katoa (over lands, settlements and all other treasures).
3. The combination of war and death from disease saw Māori numbers drop from an estimated 100,000–200,000 at Cook’s arrival to about 40,000 at the start of the twentieth century (Walker 1990).
4. Māori resistance to Pākehā military forces often frequently equalled or bettered Pākehā. However, the endless stream of military equipment and fighters—well over 12,000 imperial soldiers served alongside local militia during the 1860s alone – eventually saw hostilities come to an end in 1872 (Belich 1986).
5. Māori tribe.
6. Established by the Treaty of Waitangi Act 1975, the Waitangi Tribunal allows Māori to seek redress against the New Zealand Government for breaches against the 1840 Treaty of Waitangi.

7. New Zealanders also have limited knowledge of the Treaty that contains just three articles. In 2011, researchers undertook a survey with 750 adult New Zealanders. They found that just 18% reported that they knew ‘a lot’ about the Treaty (among Māori respondents, this number increased to 33%) (UMR 2011).
8. In 1936, Māori constituted 11% of the prison population; this had increased to 21% by 1945. Rates increased significantly from 1955, such that Māori were 40% of the prison population by 1971 and over 50% by 1980 (McIntosh and Goldmann 2017).
9. Traditionally, Māori hold a collective view of responsibility.
10. Ron Mark, NZ First. Hansard, 23 November 2005, p. 445.
11. Chris Tremain, National Party. Hansard, 12 Feb 2009, p. 1238.
12. Judith Collins, National Party. Hansard, 27 July 2010, p. 12731–12733.
13. The Māori-focused strategic plans occurred regularly up to 2013. The omission to continue with these key policy documents resulted in a Waitangi Tribunal claim being made against the Department of Corrections in 2015 (explored below).
14. For instance: Whare Oranga Ake, Tai Aroha, Te Whakakotahitanga, Te Aō Marama, Te Whare Whakaahuru, Te Hikoinga, Te Whare Tirohanga Māori, Whānui, Pou Arataki, Kaiwhakamana, Kaitiaki, Tiaki Tangata, Mauri Tū Pae, Te Kupenga, Te Ara Māori, Tikanga Māori (Campbell 2016) to name a few.
15. Language.
16. Male elder.
17. Female elder.
18. The general NZ rate is currently around 210 per 100,000 population. This, in itself, is high compared to other liberal democracies, such as Australia (162), England and Wales (145), Scotland (138), or Canada (114) (International Centre for Prison Studies 2017).
19. Following the September 2017 election, a coalition government was formed between the Labour Party and NZ First, with the Green Party engaged in a confidence and supply agreement.
20. The Prime Minister Bill English intervened, saying that this was ‘not right’—everyone had human rights, but offenders would have different legal rights.
21. In 2015, a Canadian federal court found that risk assessment tools ‘lack scientific rigour and reliability in relation to Aboriginal offenders’ and are ‘susceptible to cultural bias’ (Cunneen and Tauri 2016: 159). Risk

tools fail to consider the historic or contemporary nature of colonisation and its impacts on indigenous peoples (ibid.).

22. This narrative could be challenged by the new government's pledge to establish an Inquiry into the state abuse of children.

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# 7

## Border (Mis)Management, Ignorance and Denial

Victoria Canning

### Introduction

The so-called crisis at Europe's borders will by now need little introduction. As 2015 progressed, global attention was drawn to headlines of deaths at Southern European borders, of increased camps across Greece and Italy and of the 1.1 million people who had entered a continent from Middle Eastern countries and the North or Sub-Saharan regions. From the beginning of 2015 until June 2017, 10,451 people had lost their lives in the Mediterranean alone (International Organisation of Migration 2017). As events unfolded, two terms became synonymous with European borders: the *migrant crisis*, a term that has become representative of the discourse of illegal or irregular migrant movements, and the *refugee crisis*, which echoes a more humanitarian approach to the need for sanctuary or

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support. Debates around the use of these terms raged on into 2016, even as the Mediterranean death toll continued to rise.

What gained less controversy was the use of the term ‘crisis’. The idea that the increase in migrant groups, or the unprecedented number of people dying at sea in Europe, was a crisis, rather than a catastrophe, has arguably been a fundamental reconstruction of reality. A *crisis* is an emergency, facilitating the possibility of danger that is *usually* unpredicted and unforeseen. Knowing the impact of conflict and social and economic destabilisation in countries, including Iraq and Afghanistan, the political realities of post-Arab Spring unrests, as well as the war in Syria, it could not logically be argued that largescale movements in these regions were unforeseen or unavoidable. Moreover, data prior to 2015, and already available through the International Organization for Migration, evidenced gradual increases in deaths at the border (see Weber and Pickering 2011). That people would take riskier routes to bypass ever-hardening borders was a predictable outcome, and increased deaths of people migrating were foreseeable, but ignored.

This chapter argues that rather than accepting the ‘unforeseen crisis’ discourse, the catastrophic conditions across, as well as within, border areas, were facilitated by two key forms of action and inaction: firstly, through the supported economic and infrastructural destabilisation of countries from which most migrants entering Europe have fled and, secondly, through a legislative and financial landscape which outsourced the responsibility of bordering Europe to countries from which people flee. Looking at Britain as a case study, this chapter documents the ways in which the UK has managed to create a distance in consciousness from both border deaths and humanitarian responsibility.

Overall, I argue that this creation of distance has facilitated a form of *orchestrated ignorance*. Processes embedded in border controls have allowed for the evasion of accountability, both for deaths at the European border and for facilitating refugee movement by exacerbating conflict and economic instability. This is then compounded by domestic policy, which creates agnotological distance between people seeking asylum and their rights and knowledge of process. That is, that by creating voids in legal support and rights-based knowledge for people seeking asylum, the British state—supported by corporations working in the field of border controls

(Canning and Bhatia 2016; Infantino 2015) —is enabled to refuse and deport unwanted migrant bodies, thus continuing a cycle of orchestrated ignorance through spatial distance and outsourced border controls. This culminates in a dependence on denial (Cohen 2001) which has allowed the British state—like other EU states (Infantino 2015) —to metaphorically wash its hands off responsibility for deaths at EU borders.

## Feigning Ignorance: Agnotology at the British Border

In the seminal text on the study of ignorance, *Agnotology: The Making and Unmaking of Ignorance*, Robert N. Proctor identified three key distinctions: ‘ignorance as *native state* (or resource), ignorance as *lost realm* (or selective choice), and ignorance as a deliberately engineered and *strategic ploy* (or active construct) (2008: 3)’. The first of these refers to an ‘innocent’ state of consciousness, a lack of knowledge which is fought or overcome through knowledge accumulation. The second is a product of inattention, or the idea that we cannot know everything, and thus conscientiously reach saturation point. The third is the way in which ignorance is crafted—an epistemological creation which leads the knower to accept dominant forms of knowledge or overlook alternative realities to ‘knowing’ (ibid.: 8–18).

Whilst the first two of these might be best explored in relation to public knowledge and media representations around European borders, it is the third category that will be centralised here: what I will term *orchestrated invisibility*. This relates to the physical distance that has been manufactured through policy, legislation and outsourced border controls. This invisibility is paradoxically both concrete and partial—it almost wholly<sup>1</sup> removes the reality of border deaths from British shores but remains a peripheral actuality through sporadic news coverage and political debate. Coverage itself then flits between humanitarian concern and securitisation, constructing a form of *orchestrated agnosis*. As Smithson argues, ‘In some cases, ignorance is deliberately or intentionally constructed, whereas in others it emerges as a by-product of some social process’ (2008: 214). In the case of borders, this is arguably deliberate, a means of outsourcing

controls whilst simultaneously deterring people from seeking asylum in the UK. This maintains the *modus operandi* of *invisibility* and *ignorance*: the capacity to orchestrate *unaccountability*<sup>2</sup> for the harms (including deaths) inflicted on migrants in Southern Europe.

## Cushioning the Blow: The UK's Dependence on Proximity and Physical Distance

The spatial positioning of Italy and Greece has been central to the experiences of refugee populations in this most recent increase in European immigration. Their geographical positioning has long set them as a direct pathway between European countries and Middle Eastern and Northern African territories. Historically, Greece and its surrounding neighbours have acted not only as a route for refugee footfall (including *away* from Europe, in the years leading up to the Second World War) but for global trade industries between continents. International focus on the so-called refugee crisis has thus pivoted largely on the responses of these two border areas, as well as Turkey. This is perhaps understandable due to the physical transformation of the island—and some mainland—areas to camps, as well as escalating death rates in and around island areas. For Northern European states, however, responsibility for humanitarian response has been largely evaded due—at the surface at least—to spatial distance and proximity.

The UK is one such example. Cushioned by 3740 miles of landmass from the Middle East and 2500 miles from the most northerly area of the African continent, the reality of bodies moving through borders, or indeed dying at them, has been a peripheral reality for British politicians and the British public. This is with the exception of a fairly short-term proliferation of the media coverage of deaths in the Mediterranean Sea in 2015, and the subsequent death of three-year-old Alan Kurdi near Bodrum in Turkey in September. Although immigration has long gained attention in public discussion and media, focus has predominantly centred on debates around asylum, security, European Union (EU) migrants and net migration rather than border-related deaths. This otherwise comfortable discursive distance was momentarily perforated when news,



print media and social media escalated coverage of the numbers of people entering Europe, as well as the bodies of those who did not survive the journey.

This heightened consciousness took an ironic turn when the same images of desperation were used to conjure fear and border panic in the run-up to the EU Referendum.<sup>3</sup> According to Berry et al., as 2015 progressed, coverage in print media dropped so far as humanitarian themes went (Daily Mail 20.9%, Sun 7.1%, EU average 38.3%), countered by higher rates of articles which emphasised the threat that refugees and migrants pose to Britain's welfare and benefits system (Daily Telegraph 15.8%, Daily Mail 41.9%, Sun 26.2%, EU average 8.9%—see Berry et al. 2015: 29–49 for full coverage). By 2016, the now notorious picture of Nigel Farage (then leader of the far-right United Kingdom Independence Party) standing before a billboard with an image of a queue of non-White migrants and the words 'Breaking Point: the EU has failed us all', was deeply criticised. However, the billboard arguably mirrored wider social tensions already being felt prior to Brexit, particularly with the correlatable rise in hate violence against migrant populations in the UK (see Burnett 2016, 2017). In effect, agnosis was facilitated by both politicians and parts of mainstream media, obscuring the humanitarian reality and replacing the catastrophic reality with discourses centred on security. The threat of closing the physical distance between the migrants at Southern European borders and British shores manifested in an increased social consciousness of the immigrant Other, regardless of the statistical and social reality of the UK context.

While it is hardly surprising that such tactics would be used by a right-wing commentator and politician, the underlying reality of the situation of the time was that Britain was not invaded by 'swarms' of desperate migrants, as former Prime Minister David Cameron had feared (BBC 2015). Whilst some public attention and almost all of the mainstream and tabloid media focussed on concerns around migrant influxes, disproportionately few people actually arrived to claim asylum. Perhaps the most obvious way to delineate this myth is to compare the number of people offered temporary or permanent status in other European States, none of which border conflict regions in the way that Greece, Turkey or Italy do. Looking at 2015 as an example, Blinder and McNeil

demonstrate significant disparities in asylum applications. Germany received 476,510 applications for asylum, Hungary received 177,135, and Sweden received 162,450. In comparison, the UK showed a yearly increase of only 20% from 32,344 in 2014 to 38,878 in 2015, even though this year had seen migration into Europe unparalleled since the Second World War (Blinder and McNeil 2016).

Considering that Sweden is geographically further north than the UK, it should go without saying that the disproportionately low number of applications on the part of the latter is not due simply to physical distance. It is, instead, the result of a long-term strategy to reduce the mobility capacity for people outside of the European Union<sup>4</sup> to reach British shores (Webber 2012), lest they should apply for refugee status. As I will argue, this has allowed for a critical gap in consciousness where acknowledging suffering is concerned (Cohen 2001), through which the UK has managed to feign ignorance of the catastrophic loss of life at Europe's borders and its own role in not preventing it.

## **What You Don't See Won't Haunt You: Agnosis Through Legislatively Orchestrated Invisibility**

As highlighted earlier, although Britain is geographically separated from the centre of 'crisis', it has been its long-term political efforts in reducing the intake of people seeking asylum which have facilitated a socio-spatial separation from the reality of border deaths and suffering. Since the hyper-politicisation of immigration in parliamentary and public discourses in the 1980s, and particularly the mid-1990s (Webber 2012), asylum has been used as a tool to move borders ever further away from British territory. As the below table indicates, this has pivoted largely on the creation of buffer zones through visa controls at external ports (Andersson 2014; Carr 2012). Legal restrictions embedded in British legislation extended the responsabilisation of border controls to other regions, as well as to independent actors, long before the most recent 'crisis'. Deterrence strategies within the UK have reduced migrant rights to seeking asylum as well as access to other aspects of society, including

work and welfare (Bloch and Schuster 2002; Canning 2017; Fekete 2005). Carrier sanctions penalise airlines, lorry drivers and shipping companies through civil penalties for companies and civil or criminal penalties for individuals. Visa requirements have been increasingly tightened, making it almost impossible to travel legally in the first place—essentially leaving people in limbo at the borders of Europe (including Calais) or in their country of origin (Table 7.1).

Alongside the long-term deterrence and avoidance strategies being facilitated is the financial bolstering of militarised borders, sometimes under the premise of humanitarianism. In 2015 and 2016, the British government (like its European counterparts) regularly came under criticism for its lack of response to border deaths, and indeed its failure to adhere to its own promise of resettling 4000 Syrian refugees by 2020. Defending the UK's approach, the Home Office said the government had

**Table 7.1** Outline of relevant acts relating to immigration controls in the UK

Act passed	Outline of objectives and restrictions set
Immigration (Carriers Liability) Act 1987	Carriers, including airlines, became liable to civil penalties if carrying passengers without valid visa into the UK
Immigration and Asylum Act 1999	Extended use of civil and criminal sanctions including expanding existing offences of entering the country by deception; Increased carrier sanctions (included lorries)
Nationality, Immigration and Asylum Act 2002	Offences included assisting unlawful immigration by non-EU citizens and knowingly helping asylum seekers to enter the UK
Asylum and Immigration Act 2004	Criminalised individuals entering the UK without a valid travel document (or reasonable excuse not to have one); Reduced asylum appeal possibilities and increased potential for removal of support
Immigration Act 2014	Reduced possibilities to appeal asylum decisions from 17 to 4; Individuals deemed 'harmful' can be removed before appeal; Introduced new powers to revoke citizenship for individuals deemed 'prejudicial' to the UK
Immigration Act 2016	'Deport first, appeal later' introduced the possibility of deporting any immigrant who was awaiting the outcome of an appeal, instead requiring them to appeal from their country of origin

For further details of relevant legislation (see Aliverti 2015; Webber 2012)

pledged £2.3bn in humanitarian aid to Syria and neighbouring countries and was providing nearly £70 m in response to the Mediterranean migration crisis (BBC 2016). In reality, the response was as much about controlling borders and invisibilising the physical presence of migrant bodies from British shores as it was about reducing deaths at sea. Britain increased spending on naval patrols<sup>5</sup> between Libya and Italy, sending HMS Bulwark and, later, HMS Enterprise to rescue migrants and deliver them to Libya or Italy, thus, simultaneously rescuing *whilst* removing. This approach shifted up a gear in 2016 when David Cameron announced UK deployment for a North Atlantic Treaty Organization (NATO) mission in the Aegean Sea around Greece to help stop people making a 'perilous journey' and join other European countries trying to 'break the business model of the people smuggling criminal gangs which are exploiting people and putting lives at risk every day' (Prime Minister's Office 2016). The same discourse played out in the political arena when predominantly Conservative MPs voted against an amendment in the Immigration Bill (now Immigration Act 2016, see above), which would have facilitated the intake of 3000 child refugees from across Europe (Waugh 2016). The key argument was, again, to avoid setting a precedent that might develop a 'pull factor' that would then encourage more children to make dangerous journeys or traffickers to exploit them. The fact that safe passage would reduce the likelihood of deaths at borders anyway (Weber and Pickering 2011), and could eradicate the need for traffickers or smugglers, does not fit this discourse or the UK's dominant political agenda on border securitisation.

At the same time, and closer to its own borders, Corporate Watch highlighted that the Conservative government were pledging an £80 Million contract for a private company to build a larger wall to contain migrant flows from Calais (Corporate Watch 2016). Likewise, their efforts in maintaining increased spatial proximity had gradually reached fruition in other financial investments in and around the English Channel:

- 2014: The European Commission grants €3.8 million in 'emergency funding' to co-finance the creation of the 'Jules Ferry' day centre<sup>6</sup>;
- September 2014: £12 m / €15 m Joint Fund is established by French Interior Minister Bernard Cazeneuve and Theresa May, then UK Home Secretary;

- July 2015: UK announces £2 m for a 'secure zone' in Calais for UK-bound lorries and £7 m for other security measures;
- March 2015: UK applies to the European Commission's Asylum, Migration and Integration Fund (AMIF) for €27 million in migration-related funds, which it receives a few months later. France also receives €20 million from the fund in August 2015;
- August 2015: 'Managing Migratory Flows in Calais' Joint Declaration: UK pledges to pay £3.5 m (€5 million) per year over two years towards the measures in the deal in addition to money previously pledged. The statement explains there will be an extra 500 police from the UK and France, as well as additional freight search teams, dogs and UK-funded deportation flights;
- 31 August 2015: The European Commission announces €5.2 million in 'emergency assistance' for the area around the Jules Ferry centre and to fund the 'transport' of refugees and migrants from Calais to other locations in France;
- March 2016: France-UK Summit releases £17 million/€22 million for Calais security (and €2 billion for drones globally).

This overall effort at outsourcing responsibility has effectively bolstered Britain's island mentality: as former Prime Minister David Cameron argued, '[w]e will have our own way of doing things, keeping our own borders. It underlines the best of both worlds, the special status we have' (quoted in Reuters 2016). This 'special status' arguably allows the British government to appear dedicated to ensuring the provision of support and preventing border deaths whilst, in reality, increasing its neo-colonial objectives to decrease unwanted and unprofitable immigration. Although it is fair to say that the UK has long worked to distance itself from 'mainland' Europe (see Carr 2012: 111–131), the reality of Britain's 'Island Mentality' is now ever more concrete. As Frances Webber pointed out in 2016,

the UK's island status has left it largely unaffected by the surge in refugee numbers across Europe over the past year. This renders more shameful the Home Office's refusal to participate in the EU's inadequate reallocation scheme, or to contemplate a change in the Dublin regulation which would

require the UK to take a fairer share of asylum seekers, or even to take responsibility for the hundreds of children stuck in the Calais camps or risking their lives to join family members in the UK. (Webber 2016)

What has ensued is a fractured consciousness between life at death at European borders and the UK's conscious recognition of such realities. Public and political agnosis—although not absolute<sup>7</sup>—has been orchestrated by obscuring the problem through spatial proximity, and outsourcing the dominant solution of controlling the external border.

## Evading Accountability, Ignoring the Indefensible

Smithson argued that 'Ignorance can be used by the ignoramus as a justification for evading culpability or responsibility' (2008: 217). As we can see in this case, the UK has been peripheral, at best, with regard to first responses to humanitarian provision, reducing deaths at Europe's borders or providing sanctuary to people seeking asylum. Whether or not it is guilty of actually contributing to the ongoing crisis by limiting support for refugees depends on one's perspective of its role in international relations. It has, however, undeniably contributed to conditions which have exacerbated social and infrastructural problems from which many people have migrated. Indeed, although international profiles vary greatly across the European Union with regard to military intervention or arms trade, the UK has contributed significantly to war, conflict and airstrikes in some of the key regions from which refugees are currently fleeing. This has included airstrikes in Libya and Syria and, most obviously, military occupation in Afghanistan and Iraq. While it is fair to say that other significant political factors have contributed to these regions—including political uprisings, armed challenges to multiple dictatorships, and the roles of other international aggressors and capitalist states in regions of Africa and the Middle East—Britain has played its part in dismantling stability in key countries (Green and Ward 2009; Kelly 2012; Whyte 2007, 2015). At ground level, this has not only meant escalations in armed conflict but also the reduction of livelihoods through the neoliberalisation of trade and challenges to rural and agricultural economies (Whyte 2007).

Similarly, as the Independent reported, in 2013 (only two years prior to the recognised ‘crisis’), the UK Government had ‘issued more than 3,000 export licences for military and intelligence equipment worth a total of £12.3bn to countries which are on its own official list for human rights abuses’ (see Table 7.2). By 2016, the UK had gained status as the second-largest arms exporter in the world (Doward 2016).

Perhaps unsurprisingly, and as Table 7.2 shows, of the relatively few asylum applicants that did make it to the UK in 2015, the majority had fled countries which had been directly affected by the UK’s input to conflict, economic destabilisation, airstrikes or arms deals. Simultaneously, the country from which most applicants had fled—Eritrea—had been incorrectly represented in Home Office country of origin information, which ‘downplayed the risk of human rights abuses in one of the world’s most repressive regimes in an attempt to reduce asylum seeker numbers despite doubts from its own experts’, as found by the Public Law Project (Taylor 2017). Regardless of the realities felt at ground level in Eritrea, as with other countries, people seeking asylum are reconstructed as inherently undeserving of sanctuary. Deprivation and destitution are more easily separated as economic migrancy, and the myth of the bogus asylum seeker is solidified.

Considering that the infrastructural impacts of conflict, territorial occupation and airstrikes are wholly foreseeable (Whyte 2007), this asylum applicant country of origin information does not deviate from expectations for asylum applications. In 2003, prior to the occupation of

**Table 7.2** Value of UK arms exports, 2013

Afghanistan	£23.8 m
China	£1,486 m
Egypt	£59.1 m
Iran	£803.4 m
Libya	£54.6 m
Pakistan	£49.8 m
Saudi Arabia	£1,863 m
Somalia	£1.9 m
Sri Lanka	£8.1 m
Sudan	£7.6 m
Tunisia	£7 m

For fuller breakdown (see Sengupta 2013)

Iraq, for example, Jeremy Corbyn (leader of the Labour Party) warned that invasion would ‘set off a spiral of conflict, of hate, of misery, of desperation, that will fuel the wars, the conflict, the terrorism, the depression and the misery of future generations’ (2003, available through Huffington Post 2016). Even former Prime Minister Tony Blair recently admitted that the occupation of Iraq likely contributed to the formation of Isis (or *Islamic State*). When asked if the Iraq War was ‘the principal cause’ of the rise of Isis, he replied that ‘I think there are elements of truth in that’ (in Osley 2015).

Britain has thus perpetrated and exacerbated violence in regions from which hundreds of thousands of people have recently fled or are currently fleeing. It was thus no surprise that people would flee the very regions affected by external military actions. However, and to echo the sentiments of Michalowski,

National leaders in these countries [in US, European Union and Australia] condemn genocide and war crimes in poor nations while simultaneously deploying strategies of border militarization and internal immigration enforcement that results in deaths, injuries, and dehumanisation for millions of immigrants seeking to escape the ‘severe breakdowns of economic, political and social structures’ resulting from the neoliberal global economic policies of the very nations to which displaced people are now fleeing. (Michalowski 2013: 218)

To use one example, such strategies were fairly clearly evidenced in the Iraq Inquiry, undertaken by Sir John Chilcot, which itself all but ignored the issue of oil accumulation and its transference to multinational ownership (Muttitt and Whyte 2016). Whilst a fractional truth is created, the intentions of occupation are ignored or reconstructed, meaning that any aftermath does not correlate with British accountability. This causal relationship between conflict and destabilisation is thus disconnected both from British responsibility and from the foreseeability of mass movements of people. Furthermore, considering that countries which hosted significant proportions of the worlds’ refugee populations—namely Syria and Iraq—were now facing exacerbations in conflict themselves, the logical extension of routes would be towards Europe. Perhaps the assumption that these particular movements would, or could, be someone else’s prob-



lem was facilitated by the neutralisation of these correlations, in itself creating ignorance to the otherwise clearly foreseeable outcomes of conflict escalation and infrastructural destabilisation.

In any case, British efforts to evade accountability for migrant bodies has itself taken an even more sardonic turn in enforced removal and voluntary departure. As the table below shows, with the exception of European nationals (often having completed sentences for criminal offences, and thus being doubly punished—see Hasselberg 2016), some of the most common nationalities removed are those who have entered from regions again affected by airstrikes, arms trade, the aftermath of military occupation and/or histories as Commonwealth countries and former British colonies (see Tables 7.3 and 7.4).

It is this that takes me to my final point: that the objectives of outsourcing border controls—that is, to reduce the likelihood of a migrant influx to the UK were a ‘crisis’ to unfold—is also mirrored internally, on those who have made it to the British Isles.

## Back in Britain: Orchestrated Agnosis to Extend Invisibility

As I have argued elsewhere, once a person arrives in the UK, the process for seeking asylum is incredibly complex (see Canning 2014, 2016, 2017; see also Tyler 2006, 2013). People seldom know where or how to apply

**Table 7.3** Asylum applicant countries of origin 2015

Rank	Country	Number of applicants	Share of total
1	Eritrea	3756	9.7%
2	Iran	3694	9.5%
3	Pakistan	3254	8.4%
4	Sudan	3014	7.8%
5	Syria	2846	7.3%
6	Afghanistan	2807	7.2%
7	Iraq	2609	6.7%
8	Albania	1809	4.7%
9	Nigeria	1509	3.9%
10	Sri Lanka	1396	3.6%

See Blinder (2015)

**Table 7.4** Top ten countries of enforced removal or voluntary departure, 2015

Rank	Country	Number	Share of total
1	India	7883	19%
2	Pakistan	4981	12%
3	China	2335	6%
4	Nigeria	2305	6%
5	Bangladesh	2208	5%
6	Albania	1548	4%
7	Romania	1453	4%
8	Sri Lanka	1128	3%
9	Nepal	1042	3%
10	Poland	1018	2%

See Blinder and Betts (2016)

for asylum, and the legal intricacies of the system are seldom explained. Likewise, although a key focus on asylum within public and political discourse is Britain's welfare 'pull factor', the reality is that people are seldom aware of welfare allowances or other processes in asylum. As Crawley found from interviews with 43 people seeking asylum, 'The overwhelming majority said that they did not know anything about asylum policies in the UK before they arrived' (2010: 6). In fact, the most common aspect of British life respondents were familiar with was not immigration policy, but football (*ibid.*: 7).

As a critical ethnographer and activist, the idea that migrants should—or even could—understand what life in asylum might be like in the UK is a curious perception. I have spent many hundreds of hours speaking to people seeking asylum about the system and the process of applying, and waiting for, refugee status. Although people are commonly affected by the loss of family or home, amongst other traumatic experiences, conversations regularly turn to the uncertainty of applying for asylum. These questions are often unanswerable—how long do asylum appeals take if a claim has been rejected? Where can one find a reputable lawyer? Does the UK still deport families? Will they detain children? In my wider research, in Denmark, women ask how they might make it to the UK; in Sweden, people ask if Germany is possible; in the UK, women ask how they can get out and make it to Denmark. In Turin, I was asked how to make it out of Italy to get anywhere further North. In conversations with scores of people seeking asylum across these countries and in England, *none* had

even been aware that immigration detention existed in the UK, even though the country detains more people than any other Western European nations (Bosworth and Turnbull 2015).

## Isolation as a Means to Ignore

*It's disbelief born of ignorance, allied to an indifference of 'who gives a damn anyway'. (interview with former immigration barrister)*

It is no coincidence that people seeking asylum are not systematically supported to understand the asylum process or, indeed, know their rights within it (see Right to Remain 2017 for a freely accessible, non-governmental asylum rights toolkit). As a refugee women's caseworker in the North of England told me, 'there is deliberate lack of transparency around the asylum process because it blocks people's access to really understanding the process that they're in and being able to respond to it fully and get the right support'. Echoing these sentiments, a national co-ordinator for a Refugee Women's Support organisation in the UK,

the Home Office doesn't want to grant asylum to very many people and whether it has explicit ... numerical targets on that or not, the ethos of the asylum system, if you think about all of the things that happen in it from dispersing people, to expecting them or giving them tiny amounts of money, to not letting them work, to detaining people ... it just seems really clear that in all of these kinds of stages of the asylum process you've got a system that doesn't want those people to be here.

For people new to the system, the reams of pages in the initial application—all in English—are a common barrier to accurately reflecting ones' history or identity. Whilst some countries—such as Sweden (see Girma and Lousley 2017) —provide a caseworker to explain the process, people seeking asylum in the UK are seldom aware of the gravity that their first (or initial) interview might hold, which is then contrasted to the substantive interview. Any minor details which are contradicted are used as evidence against credibility (Asylum Aid 2011; Bögnér et al. 2010) and the claim refused. Discrepancies are analysed, and credibility becomes questioned,

even on minor or insignificant points (Canning 2017) or when memory is affected, including by trauma (Herlihy and Turner 2006). To give an example of just how minor this can be, I recently witnessed an immigration appeal hearing where the woman—with no legal education, but who represented herself in court because she could not afford a solicitor—was cross-examined by a Home Office representative who deemed her ‘uncredible’ because she referred to her step-father as ‘father’. Each case in point returned to this, even though the woman had been in his care since childhood. As another woman seeking asylum put it, ‘Women are not believed. They want to see your corpse. Until then they won’t believe it’.

There are key political benefits to inducing ignorance of a system which is supposed to support sanctuary. One is that those outside of it—that is, non-migrant populations—seldom know just how complex seeking asylum is or how difficult people’s lives are being made. Non-interaction through the social isolation of people seeking asylum facilitates ignorance when non-migrant populations are shielded from the grinding hurdles people face, often for years. People seeking asylum are not afforded the right to work, often a key access point to social integration, and asylum housing is more often than not in peripheral areas affected by poverty. Arguably the most concrete way to isolate and ignore the reality of life on borders is through confinement in immigration removal centres, which more than 32,000 people experienced in the UK in 2015 (Silverman 2017), mostly in England (see Bosworth and Turnbull 2015; Canning 2017; Silverman 2017). Furthermore, immigration legislation has gradually echoed that of Britain’s external approach to creating buffers between access to refugee status and refugees themselves. Reductions in access to legal aid for asylum appellants have made for poorer quality legal cases to fight refusal appeals, even though high percentages of appeals are overturned due to inadequate decision-making on behalf of the Home Office (and previously, the United Kingdom Border Agency). In 2016, for example, courts overturned Home Office decisions in 41% of asylum appeals (Refugee Council 2017). Reducing access to legal support will, however, inevitably and deliberately add to the scaffolding of invisibility since fewer people will be likely to access the chance to appeal in the first place even if they have the right to. If deportation ensues, the deported body is removed away from British shores and out of sight truly becomes out of mind.

## Conclusion: Britain as the 'Bystander State'?

As this chapter has argued, the UK has been peripheral at best, and central at worst, to producing some of the social conditions in countries from which refugees most commonly flee. This is specifically the case for Iraq and Afghanistan in terms of military intervention and occupation but also for states with which the UK continues to trade arms. It has, however, managed not only to evade accountability (with the exception of parts of the Chilcot Report, which has not yet translated to criminal prosecution—see Chilcot 2016; Muttitt and Whyte 2016). Moreover, the UK has been able to create a physical separation between itself and the people fleeing these countries—an orchestrated invisibility. This, in part, relates to the distance between Britain and the movement of refugees—although many illegalised migrants and refugees might indicate their objectives to reach Britain and countries such as Sweden, Denmark and Germany, they are not literally dying at these borders in significant numbers, as so many have done in trying to reach Greece and Italy.

As we have seen, some states beyond the peripheries of these countries are therefore able to wash their hands of border deaths, creating a sense of orchestrated agnosis which facilitates unaccountability (Weber and Pickering 2011). Likewise, there are increased reports of violence against refugees by border guards, and the expansion of border camps has been marred with the documentation of violence, particularly the gendered exploitation of women (Amnesty International 2016; Townsend 2017). Britain is not rendered accountable: they are not British perpetrators; it is not a British problem and as such its existence is deniable on an implicatory level (Cohen 2001).

This brings me to consider the role of Britain as a bystander state. Certainly, it would not be the first time that such a title has been ascribed to Britain or other countries in Europe. Perhaps one of the most well-documented examples of states 'turning a blind eye' was in the years leading up to and during the Holocaust, but this was not the last time. Britain increased border restrictions in the aftermath of the Bosnian war and as the Kosovan war continued. Rather than actively facilitate the granting of refugee status on any significant scale, the UK increased carrier sanctions, developed further ways to outsource the responsibility of visa controls to

external borders and reduced the rights of asylum seekers once they arrived in the UK (Aas and Bosworth 2013; Aliverti 2012, 2015; Bloch and Schuster 2002, 2005; Webber 2012).

A question here arises from the definition of ‘bystander’. Clarkson 1996: 6, in Cohen 2001 argues, ‘A bystander is the descriptive name given to a person who does not become actively involved in a situation where someone requires help’ (Clarkson 1996, in Cohen 2001: 69). Considering the *active* involvement that the British state has taken to decrease refugee intakes, bystander becomes a complex term to ascribe. The UK is not in the passport-free Schengen zone, it has not taken part in a common European asylum policy and according to (now former Prime Minister) David Cameron, ‘we have an absolutely rock-solid opt-out from these things’ (quoted in Reuters 2016). Unlike Western European countries, such as Germany, Austria and Sweden, the UK drew less than 40,000 asylum applications in 2016, a year with the largest number of migrants moving across Europe since the Second World War. Armistead Maupin once wrote that ‘Actions have consequences. *In*actions have them. We set things in motion by what we *don’t* do’ (Armistead Maupin 2010: 270). In this case, there is clear responsibility: the central British state has *actively* orchestrated the ability to deflect migrant movements from its borders in the event of such as crisis, facilitating a collective agnosis in relation to its roles and responsibilities for migrant deaths elsewhere.

## Notes

1. This is with the exception of deaths within the British border, including deaths in immigration detention. For information on people who have died in such circumstances, see the Institute of Race Relations website: <http://www.irr.org.uk/news/deaths-in-immigration-detention-1989-2017/>.
2. I use the term ‘unaccountability’ here to emphasise the active measures (??) which the UK generally, and Britain specifically, is able to take. It should also be noted that not all parts of Britain have taken uniform stances to the so-called crisis. For example, the formal stance in Scotland in 2015 and 2016 was to ensure an increased intake of people seeking asylum—by 2016, it had relocated more than a third of the total number of people entering the UK on the Vulnerable Person’s resettlement Scheme

(which itself is so far failing to reach the target of 20,000 Syrian resettlements by 2020—see Addley and Pidd 2016).

3. In line with a party political promise on the re-election of the Conservative Party, former Prime Minister David Cameron called a referendum to decide whether the UK would remain as part of the European Union. The referendum was held on 23 June 2016. Having backed the ‘Remain’ campaign, Cameron stepped down as PM when the ‘Leave’ (or ‘Brexit’) campaign won, with a 51.9% majority voting to take the UK out of the Union. Former Home Secretary Theresa May took up the role of Prime Minister. May had facilitated around 15,000 changes to legislation affecting immigration during her six years as Home Secretary.
4. This case has now expanded in the aftermath of Brexit to further include EU migrants, including economic migrants and European students.
5. This was after the UK withdrew support from the Mediterranean migrant rescue mission *Mare Nostrum* in October 2014 (Travis 2014).
6. The Jules Ferry day Centre is described by Samira Shackle: ‘Run from three military tents, this day centre hands out one hot meal per day and allows access to showers, toilets and electricity points for the thousands of people camped out in the sprawling tent city known as “the jungle”. It is heavily guarded and also contains beds for about 100 women and children’ (Asylum Aid 2015).
7. The objective here is not to represent the nuances of public or political knowledge and engagement as monolithic but argue that the more structural context of knowledge creation bolsters the dominant objectives of British border controls. The public response to the so-called Refugee crisis was not only heterogeneous but also incredibly positive in many areas. To paraphrase Frances Webber, events in 2015 onwards spurred what became the most publically visible and sustained pro-refugee movement in personal memory (Webber, in conversation, 2016).

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# 8

## Climate Change Denial: 'Making Ignorance Great Again'

Reece Walters

### Introduction

The World Economic Forum's 12th annual Global Risks Report places climate change as the most pressing and significant problem facing humanity's ongoing safety and security. The threats posed by weapons of mass destruction, military dictatorships, political corruption and civil war are deemed less dramatic than the perils presented by global warming and its impacts on humans and non-human species alike (World Economic Forum 2017a, b). Such predictions have been endorsed and alerted to by the global scientific community. The Intergovernmental Panel on Climate Change, established in 1988 by the World Meteorological Organisation, and comprising thousands of scientists across 120 countries, acting on a voluntary basis and providing assessments of government climate policy and the threats and impacts of climate change (IPCC 2013a), continues to highlight the impending perils

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of climate change. Recent research from an elite group of scientists attached to Intergovernmental Panel on Climate Change (IPCC) has reported that the 2 degrees Celsius target established by the Paris Agreement will be exceeded by 2050, taking the planet into 'game over' territory before the turn of the next century (Fredrich et al. 2016). Moreover, the United Nations Secretary-General Antonio Guterres has recently referred to the world's response to climate change as being 'in a mess' (Grimm 2017). This call is alarming given that 200 countries agreed to the terms of the Paris Agreement (Uwiringiyimana 2016), with 148 nations having now ratified it, pledging their commitment to reduce greenhouse gas emissions (UN Framework Convention of Climate Change 2017).

It is now emerging that the targets of the Paris Agreement did not go far enough to arrest the imminent and undeniable dangers presented by global warming and climate change (Mengel et al. 2018). Yet, US President Trump withdrew from the landmark Paris climate accord stating it '... is simply the latest example of Washington entering into an agreement that disadvantages the United States to the exclusive benefit of other countries, leaving American workers—who I love—and taxpayers to absorb the cost in terms of lost jobs, lower wages, shuttered factories, and vastly diminished economic production' (The White House 2017). President Trump's withdrawal from the Paris Agreement occurred in the very week that scientists reported that global greenhouse gas emissions including carbon dioxide, methane and nitrogen oxide were at their highest levels in 800,000 years (Slattery 2017; Meinhausen 2017; WMO 2017), that 5000 square km of the Larsen C ice shelf in the Antarctic was perilously close to detaching (Amos 2017), and that new evidence pointed to rapid species extinction from climate change (Pacifiçi et al. 2017).

President Trump's position was in stark contrast to his predecessor, who had referred to the Paris agreement as 'the best chance we have to save the one planet we have' (BBC 2015) and the UN Secretary-General has since called on the 'world to remain united in the face of climate' (Grimm 2017). The US withdrawal from a pact involving 197 countries now leaves it with Syria and Nicaragua as the only two nations not to submit and agree to the Paris Accord (Zatat 2017). The US President has mocked the accord as well as the warnings of climate change science. He has tweeted:

[climate change] “It’s called weather, it changes and you have storms and you have rain and you have beautiful days”. (Donald Trump, then presidential candidate and now 65th President of the United States, cited in Vincent 2015)

In the East, it could be the COLDEST New Years’ Eve on record. Perhaps we could use a little bit of that good old Global Warming that our Country, but not other countries, was going to pay TRILLIONS OF DOLLARS to protect against, Bundle up? (United States President, Donald J Trump, 29 December 2017)

The outpouring of dismay at President Trump’s decision has been widespread with calls for his impeachment as well as those suggesting he is a ‘climate criminal’ (Cohn 2017; Poyla 2017). This presidential leadership premised on climate denial has cascaded throughout the US administration with the Environmental Protection Agency’s head systematically dismantling environmental regulations and funding and an energy secretary challenging reputable climate science (Savage 2017; DiChristopher 2017). It is not my intention here to traverse the global armada of responses to Trump’s decisions, and that of his administration, such an enterprise would be a book in itself. But in the spirit of this collection, I wish to highlight the words of economic Nobel Laureate’s Paul Krugman’s recent article and the objection to his president’s decision to withdraw from Paris, namely his *New York Times* piece titled, ‘*Making Ignorance Great Again*’ (Krugman 2017a: 1). In his esteemed view, political leadership in the US, indeed republicanism, ‘doesn’t do substance, it doesn’t assemble evidence, or do analysis to formulate or even justify its policy position. Facts and hard thinking aren’t wanted, and anyone who tries to bring such things into the discussion is the enemy’. Indeed, Trump’s dramatic cuts to university and scientific funding, notably in higher education, such as doctoral degrees, demonstrates his administration’s disdain for knowledge and intellectual expertise (Mervis 2017). It is not my intention here to pathologise the likes of Donald Trump; his socio-psychological unfitness to govern has been recently well-documented by a team of internationally reputed psychiatric professionals. Indeed, his comparisons with Narcissus, Caligula and Stalin

have been widely supported by recognised historical and psychological experts (Holland 2016; McAdams 2016; Krugman 2017b). Such analyses may prove Trump worthy of such categories and, no doubt, numerous doctorates will be devoted to Trump's delusional demeanour, discourse and decision-making. The purpose here is to apply Trump's politics of ignorance to a governing rationality that dangerously impacts on the global natural environment. The intention is, therefore, to identify how environmental ignorance is pervasive in the corridors of global power. This chapter will examine how political and corporate agnosia by powerful actors is a substantial contributor to global environmental destruction. It seeks to explore the embeddedness of denial and misinformation within 'Platonic' analyses of power and ignorance. It argues that political dismissiveness of climate change, and its associated deleterious environmental impacts, is not only a recipe or agenda for those in positions of power to exploit for profitable purposes but, more importantly, is culturally imbued within contemporary notions of truth and knowledge. That is, those in positions of power and entitlement, not only further their political and capital aspirations through the perseverance of a political platform that enriches their ideological and profitable existence but also self-identifies them as agents of self-perseveration and enhancement.

## Power and Platonic Ignorance

Amidst the international condemnation, embarrassment, anger and disbelief of President Trump's decision to plunge his nation and our planet on a collision course with catastrophe, Professor Klugman's succinct critique, mentioned above, struck me as a poignant observation of the grave decision-making of powerful political and corporate elites who deny climate change. It is the denial of those powerful few with vested transnational trade interests, skewed ideologies and intellectual blindness that threatens the very existence and propagation of life on Earth. The future of our planet teeters on the precipice of environmental destruction and concomitant species extinction, and our hopes, dreams and values are encapsulated and placed in the palms of a doctrine of 'ignorance', one that does not represent the majority world but favours a dominant



minority who hold the integrity of nature hostage for their unfounded, unwanted and demarcated values. How can this be?

The classical Greek philosopher Plato and founder of the Academy in Athens debated extensively about the relationship between knowledge, belief, wisdom and ignorance (see *Republic*, *Parmenides* and *Theaetetus*). In Plato's *Apology*, he analyses Socrates' claim to 'knowing nothing' and the pervasiveness of ignorance (Matthews 2003). In Socrates' dialogue of 'what is knowledge?', Plato summarises and identifies three types of knowledge: 'knowledge as perception', 'knowledge as true belief' and 'knowledge as true belief or judgement with an account' (Bostock 1988). For Plato, an absence of knowledge is ignorance, akin to hunger and thirst or the 'emptying of the bodily condition'. Ignorance is the 'emptying of the condition of the soul' and like thirst and hunger can only be rectified by 'filling' or 'intellectual nourishment' (Harte 2013). However, with Trump and other climate deniers discussed shortly, there is no attempt to 'fill the void'. The lack of content or evidence is used as a form of power as one 'believes' and 'trusts' in their own opinion and that of fellow deniers. Indeed, the filling of the void comes from others with whom the void is compatible. As such, knowledge becomes ignorance, as those with power seek the voices and views of those who sustain their position. This is often referred to as the 'supply chain trust' where creator and dispenser and recipient share benefits from the knowledge imparted (Lambert and Cooper 2000).

This argument is forwarded by Plato who challenges us to question the dominant knowledges in society, or why certain opinions prevail above others to create the status quo. An important dimension to Platonic knowledge is its reliability and one's willingness to 'trust' in the veracity of the wisdom imparted. Moreover, knowledge must have two key dimensions for the imparter: firstly, a belief that what is said is true and, secondly, an ability to justify or substantiate the belief (Pigliucci 2012). The legitimisation of knowledge, therefore, is bound not only in its justifiable factual truth but in its acceptance. The ability to distort facts and provide counter-narratives become powerful tools in the hands of those to shape the contours of truth. President Trump is a master at this; he dismisses facts and scientific evidence as 'fake news' and, in its place, his Twitter account becomes the font of knowledge—the words from the horse's

mouth, undistorted by a 'corrupt' and self-serving media. If you demonise the scientific expert, as Trump routinely does with his 'war on science' (Baquet 2017), you legitimate 'the other'. In the case of Trump and climate denial, it is the 'experience' and 'opinion' of the other or those that provide his inner circle, who become the informed and authoritative 'other'. Such individuals and their partisan accounts are elevated to the status of the 'scientific citizen' (Ritchie et al. 2016; Braham 2016). In times when legitimate scientific debate has been polarised and stymied by an equilibrium of evidence, governments have turned to the experiences, views and logic of the public to cast the die in what is otherwise an undecided, contested and uncertain debate (Walters 2011). The voice of 'opinion' becomes a powerful tool, notably when it controlled and cajoled by those in positions of political power. Here we see that ignorance is capable of asserting different kinds of power (Smith 2012); this is especially the case when the 'ignorant are ignorant of their ignorance' (see Code 2004).

The sociology of knowledge is a well-established field and scholars have long debated the relationship between knowledge, politics and power (Foucault 1981). Critiques of 'expert knowledge' abound in the sociology of knowledge literature and have contributed to understandings of the importance of 'local/contextual/tacit' knowledge (Bourdieu 1991). These critiques in both policy and local contexts support a democratisation of knowledge but rarely attempt to interrogate links between knowledge ownership and production; how certain knowledge gains 'authority' and the power effects of particular knowledge appropriation and insertion into influential discourses. There is a sense that the critiques of scientific knowledge and the focus on its limitations have displaced a concern for the materialist aspects of (scientific) knowledge—the way this knowledge production is increasingly privatised, controlled and selectively deployed by corporate and state interests and how this is transformed into economic and political power. The Trump administration and its dissemination of ignorance as a self-styled truth seeks to colonise and dominate alternative narratives about issues such as global warming and climate change. It is here that ignorance is at its most powerful. When the influence and charisma of those in political authority assert their positions with a personally stylised rhetoric, substantiated or justified only by

favourable and sympathetic voices within a powerful inner circle. It is a kind of distorted Weberian soft power, where political authority and charisma though legally and democratically recognised combine to legitimate and create 'truth' that is not only adopted but followed and imbued within cultural morays (Nye 2004; Zafiroski 2007).

## Climate Change Denial and Knowledge Politics

Irrespective of mounting scientific evidence that global warming is occurring and that humans are responsible for climate change and its devastating impacts including, for example, the sinking of low-lying Pacific nations (Union of Concerned Scientists 2018; Young 2018), the deniers of this scientific fact comprise a powerful global lobby (Frumhoff and Oreskes 2015). Indeed, the link between climate change denial and politically conservative think tanks has been well-established, where non-peer reviewed books and articles are disseminated as powerful 'science' in a persuasive attempt to control, censure and neutralise the overwhelming caucus of reputable science identifying the undeniable existence of global warming and its devastating effects (Dunlap and Jacques 2013).

The global climate change deniers are at their largest and most powerful in the US. Indeed, the culture of climate denial in Europe, Asia, Africa and Australasia is comparatively very small (Xifra 2016). Moreover, it is conservative white males that disproportionately represent the greatest number of climate change deniers in the US (McCright and Dunlap 2011). Indeed, in the small pockets of climate denial that exist in social democratic and political progressive nations, it is also 'conservative white males' that uphold and perpetuate positions of denial to further the status quo of trade and fiscal hegemony and prosperity (Jylha et al. 2016).

The climate denial movement in the US is an organised and institutionalised facet of contemporary social life (Oreskes and Conway 2012). A number of influential 'think tanks', including the Cato Institute, American Enterprise Institute and the Heartland Foundation, openly attack climate change research as the 'climatism cartel', accusing pro-skewing government prioritising and funding academic research for pro-climate change outcomes (Bohr 2016). Moreover, research into

climate change is currently systematically halted and dismantled by the US administration (McKie 2017) and vast budget cuts have been made to clean and renewable energy initiatives (Greshko et al. 2018). It has been widely reported that President Trump selected Scott Pruitt to head the US Environmental Protection Agency; a well-known climate denier (Pooley 2017). The US President has also disbanded a federal advisory committee on climate change (Tollefson 2017; Rosten 2018) and has installed severe tariffs on solar panels, which will have devastating employment and growth impacts on the renewable energy sector (Eckhouse et al. 2018). The US President is supported in the Senate by senior Republican figures, such as Jim Inhofe who chairs the Environment and Public Works Committee. He has notoriously thrown snowballs in the Senate during an unseasonably cold spring to mock the science of global warming and has declared that climate change ‘is the greatest hoax ever perpetuated against the American people’ (Kluger 2015). Indeed, Trump continues to appoint climate sceptics to senior government positions, which has many commentators concluding that climate change deniers are ‘running the administration’ (Holden 2018).

This is at odds with 70% of the US public who believe that human-induced climate change is happening, and 75% support laws to reduce carbon emissions (Marlon et al. 2016; Popovich et al. 2017). However, with Trump’s withdrawal from Paris, and his ongoing support for fossil fuels, it is unlikely that the US public will see their nation’s second-highest greenhouse gas emitter status reduced during the presidential term (We-Haas 2017). That said, the ability of the US public to investigate and potentially further their resolve on issues of climate change is undermined by an administration that suppresses access to information. Indeed, the ability to distil and synthesise climate change evidence in the US has recently proven very difficult for the public. President Trump has ordered thousands of pages of climate change-affirming research be deleted from the webpages of the US Environmental Protection Agency (Griffin 2017). The reliable access and free flow of official government decision-making and its supporting evidence is a hallmark of a progressive democratic society (Chang 2002), however, such access in the US is continually curtailed by powerful deniers—ignorance has become the pervasive discourse. A recent study of social media in the US identifies

that 'fake news' or misinformation is far more popular and believable than the truth (Meyer 2018). This will be good news for those who perpetuate ignorance and deny access to alternative narratives.

Furthermore, multibillion-dollar energy corporations have actively sponsored the voices of opposition to global warming and as such have been described as the 'heart and soul of climate denial' in the US (Bengtson 2016). Moreover, the powerful and affluent corporate deniers in the US have also attempted to polarise society and actively obstruct policies that seek to protect the environment (Farrell 2016). Climate change denial in the US is big business. According to one study between 2003 and 2010, more than 140 'foundations' transferred \$US 558 into climate-denying organisations. The author of this comprehensive study concluded that 'The climate change countermovement has had a real political and ecological impact on the failure of the world to act on global warming' (Bruille quoted in Fischer 2013). This distortion and denouncing of justifiable scientific evidence for political and economic gains prove immensely powerful when supported and perpetuated by the Oval Office.

Furthermore, in recent years, we have witnessed emerging discourses in knowledge politics (Grundmann and Stehr 2003). The German cultural studies expert Nico Stehr has written extensively on the ways that science and technology have coalesced around market forces to dominate the agendas of politics and innovation (Stehr 2005). In this hierarchy of knowledge, it is science and, notably, its market branding in 'innovation' that triumph and assert a dominant position in political priorities. For many commentators, this science-driven era of knowledge politics is viewed as the 'scientification of public policy', where the values and needs of people are secondary to the aspirations and discoveries of science (Frickel 2013). Indeed, technological innovation is becoming embedded in social life in the ways that individuals perceive and interact with their worlds. As Bourdieu's work on *hexis* has argued, individual mannerisms and choices to resolving perceived problems or creating opportunities are almost instinctively found in modern technologies (Bourdieu 1991). This is more evident than ever with mobile phones and their apps, high-speed wireless communications, as well as satellite tracking, computer implants and emerging initiatives with drones,

artificial intelligence, driverless cars and 3D printing (World Economic Forum 2017a, b). To be lacking technological instinctiveness—to use Bourdieu—is in contemporary society to be a digital dinosaur, to be out-of-date; all things modern, progressive, forward-looking and problem-solving often have a technological edge in the world. The late Harvard Professor of Business Juma Calestous recognised as one of the most influential Africans of all time, argues that 600 years of history reveals that people ‘resist new technologies when they substitute for, rather than augment, our humanity...but we eagerly embrace them when they support our desire for inclusion, purpose, challenge, meaning and alignment with nature’ (Calestous 2016). It is here that the climate deniers, supported by Trump, have captured debates on global warming. They have systemically eroded the democratisation of knowledge and, in its place, is emerging a knowledge politics (grown out of ignorance, self-interest and the desire to maintain power and profit) that emphasises specific scientific developments that the public may embrace, yet serves to enhance economic innovation at the expense of social innovation. Therefore, we observe massive increases in funding in the US for scientific and technological innovation, to enhance the military apparatus, to explore space and to strengthen domestic security. In times when threats of terrorism are heightened, and when the Doomsday clock has been set at two minutes to midnight (Bulletin of Atomic Scientists 2018), the climate change deniers supplant new hope in the minds of the public in military strength and space exploration. All this occurs with a political handover to private industry that is deemed to have the expertise and knowhow to manage and deliver on projects that will enhance and secure humanity (Wall 2018; Cloud 2018). Climate change continues to be presented as a hoax and has even been removed by President Trump as a threat to the US (Lieven 2018). At the same time, we are not witnessing the implementation of universal healthcare, or increases in social services, but the exact opposite, with huge cuts to welfare and human service (Wilts 2018). Of course, the corporate tentacles of climate denial are embedded in the fossil fuel industry (Union of Concerned Scientists 2015) and in those technological innovations all receiving presidential support through tax cuts and Pentagon appointment (Mazzoni 2017).

## Climate Change and Greening the Criminological Agenda

The Intergovernmental Panel on Climate Change's most recent report categorically identifies the realities of human-induced global warming and climate change (IPCC 2013b). Moreover, a recent study published in *Lancet* by 26 top scientists unequivocally links damaging climate change to 'irreversible' human activity that is directly responsible for rapidly declining human health, biodiversity loss and rising global levels of air pollution (Watts et al. 2017). Yet, as the above discussion reveals, the climate denial lobby, notably in the US, is powerful and influential. What then can the discipline of criminology contribute to this debate?

The intersection between climate change science and crime has been forged within discourses of green criminology (see Lynch and Stretesky 2010). Indeed, for some, the emerging connections between green criminology and science 'are precisely where green criminology has eclipsed orthodox criminology' (Lynch and Stretesky 2014: 80). Since its emergence in the late 1980s, discourses in the greening of the criminological enterprise have adopted various terms and nomenclature in an attempt to harness and capture evolving debates. As a result, we have witnessed the use of 'green criminology' (Lynch 1990), 'eco-critical criminology' (Seis 1993), 'conservation criminology' (Herbig and Joubert 2006) and 'eco global criminology' (White 2011a, b), all used in various intertwined ways to explore state and corporate exploitation of the environment for power and profit. However, an unspoken consensus has settled among scholars that 'green criminology' be the preferred generic banner for this critical narrative exploring harms against the environment (Hall 2015).

The most influential article to date about the origins of green criminology is by Goyes and South (2017: 167) who argue that 'a green criminology did not just appear' but was influenced by a series of events, movements and discourses beyond the Anglophone and the Global North. Such thinking has been instrumental in new and dynamic intellectual excursions in 'southern criminology' (see Carrington et al. 2016). There are, of course, examples of state- and corporate-induced acts of environmental harm that motivated political and social green movements,

as well as intellectual criminological developments. These human-induced acts, resulting in environmental destruction and widespread victimisation (noticeably including but not limited to Bhopal, Love Canal, Chernobyl, Three Mile Island), captured international headlines and stirred a public and political consciousness about the abuse of state and corporate power. They also provided the impetus for cross-disciplinary intellectual scholarship that was informed by a growing green politics and social movements of environmental concern. As Goyes and South (2017) persuasively identify, this ground-swell of environmental momentum also witnessed influence throughout South America in the 1960s and 1970s that crystallised in the creation of law and policy with enduring reach. In this sense, green criminology has its theoretical roots embedded in the lived experiences of environmental victims and within the traditions of radical criminological schools of thought such as feminism, Marxism and social constructionism.

Green criminology continues to evolve as a dynamic knowledge of resistance and innovation, one that challenges mainstream crime discourses and critically examines the policies and practices of contemporary governments and corporations. It is a collection of new and thought-provoking voices within the criminological lexicon, and its engagement with diverse narratives seeks to identify, theorise and respond to environmental issues of both global and local concern. The expansion of green criminological perspectives serves to harness and mobilise academic, activist and governmental interests to preserve, protect and develop environmental issues. Indeed, green criminology has blossomed into a range of critical discourses examining environmental concerns within notions of power, harm and justice (Walters et al. 2013). In 2013, Nigel South and Avi Brisman compiled the first *International Handbook of Green Criminology*, and in their introduction, they describe green criminology as a 'capacious and evolving perspective' where 'diversity is one of its great strengths'. They further add it includes a:

...set of intellectual, empirical and political orientations towards problems (harms, offences and crimes related to the environment, different species and the planet). Importantly, it is also an "open" perspective and framework, arising from within the tradition(s) of critical criminology; at the



same time, it actively seeks inter- and multi-disciplinary engagement. (2013: 28)

It is also important to note that South (2010: 242), the pioneer of green criminology, rightly identifies that emerging environmental harms and injustices require not only 'a new academic way of looking at the world but also a new global politics'. This includes an intellectual discourse that moves 'beyond the narrow boundaries of traditional criminology and draws together political and practical action to shape public policy'.

An important component of this intellectual enterprise is its 'horizon-scanning', to look to the future and predict the issues and actions of global collective concern (White and Heckenberg 2014). As such, green criminology continues to engage with issues of climate change and species decline (Lynch et al. 2015). It was back in the early 1980s that the influential Australian socio-legal scholar Richard Harding asserted: 'What do criminology and criminologists do to decrease the chances of the extinction of mankind and the destruction of the planet?' (Harding 1983: 82). Over thirty years ago, Harding challenged the criminological community to move beyond their traditional fields of study and to branch into issues of global concern. Harding called for intellectuals to leave 'mini-criminology' behind and to tackle the big question of nuclear expansionism, environmental despoliation and developments that threatened the survival of the human species. This challenge is even more pertinent today than ever.

For some commentators, climate denial is a form of intentional killing (Hertsgaard 2017) and, for others, it constitutes an act of ecocide (Higgins et al. 2012). For the highly acclaimed and international renowned environmental lawyer, Polly Higgins, the term 'ecocide' is 'the extensive damage, destruction to or loss of ecosystems of a given territory, whether by human agency or by other causes, such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished' (2010: 3). If humans are responsible for this ecological loss, then Higgins argues that ecocide should be included into the Statute of Rome where perpetrators of mass environmental destruction can be convicted in similar ways to offenders processed for crimes against humanity (Higgins 2015). The

language of ecocide as a legal term is premised on notions of a human right to a clean and safe environment and the need to protect and conserve biodiversity. The threats and impending perils posed by climate change deniers and global warming have recently witnessed the invoking of human rights for pending litigation. For example, we have legal proceedings being brought against political leaders in an attempt to hold them responsible for climate change. The Trump Administration withdrawal from the Paris Agreement has seen 21 children and young adults continue to pursue their case against the US Government using the 'doctrine of public trust' argument. In essence, the position draws on the US constitution as well as international principles of intergenerational equity (Weiss 2008) and argues that governments must do whatever they can to hold the planet's future environmental integrity intact for the enjoyment of the next generation. Failure to do so is a breach of international responsibilities. President Trump has attempted to throw out the young person's case in the Federal Ninth Circuit Court by filing a writ of mandamus, stating that an order should 'end this clearly improper attempt to have the judiciary decide important questions of energy and environmental policy to the exclusion of elected branches of government'. The Trump administration's attempt to strike out the litigation was denied by Judge Aiken (Geiling 2018). In February 2018, environmental activists in the UK won their third case in the High Court against the British Government for 'unlawful' levels of air pollution in a case that marked the responsibilities of governments to protect citizens from green gas emissions and provide a safe and clean environment (Leary 2018). There are also emerging cases where governments are suing fossil fuels companies for climate change. The New York City Government has stated that it plans to sue the top five fossil fuels companies if the US for \$5 billion for 'their contribution to climate change' (Lauder 2018).

The emerging legal pushback against the corporate and politically powerful actions of climate change denial form part of a broader discourse on 'green justice' (see Kibert 2001). As a concept, 'green justice' has been used by activists and left-leaning scholars to examine environmental injustice, namely, the plight of the poor and powerless at the hands of affluent, industrial economies (Alier 2000). Others have used the phrase to discuss environmental law and policy and the use of court

processes (Hoban and Brooks 1996; Walters and Westerhuis 2013). Therefore, the usage of the term 'green justice' resonates not only in discourses of protest, resistance and anti-capitalism but also within legal debates about the role of law. This position recognises that the vast majority of greenhouse gas emissions is caused by fossil fuel combustion, deforestation and the industrial activities of the world's most economically wealthy and powerful nations. This productivity continues to have devastating consequences for the world's lowest emission-producing countries.

International justice and transnational legal processes are emerging through protocols and inter-state agreements that seek to regulate and prevent illicit corporate activity within the complex webs of global markets (Likosky 2002). With increasing concerns about climate change and its impacts on air, food and water security, it is imperative that a legally constituted and representative system of justice evolve. The recognition of anthropocentric environmental damage and the need for ecological sustainability has ensured that discourses of risks, rights, harm, responsibility and liability have become part of green criminology (Hamman et al. 2015). There has, for example, been a steady growth in both developed and developing countries of specialist environmental frameworks which often include specialist Environmental Courts or Tribunals (ECTs). It is reported that some 350 ECTs operate across 41 countries, facilitating various forms of environmental due process and justice (Hamman et al. 2015). The growth of ECTs can be attributed to 'continual [pressure] worldwide for effective resolution of environmental conflicts and/or expanding recognition of the need for procedural and substantive justice vis-à-vis environmental matters' (White 2013: 268).

Indeed, the involvement of citizens in environmental activism has been pivotal to the progression and development of environmental policies and regulation (Clifford and Edwards 2012). Environmental movements are becoming central in the identification, detection, and prevention of environmental crime. Their resources, technologies, databases and personnel are increasingly utilised by law enforcement agencies to police, regulate and prosecute both organised and localised environmental crime. Here, environmental activism, through technology and networks of action, local alliances, as well as appeals to citizens and

officials, elevates the social movement to a reliable and reputable status that is inculcated into government and regulatory structures. Environmental activism becomes not mere representative democracy but participatory democracy with both a visible presence and impact. As such, with public and political integration, it becomes a new and important form of environmental governance. Networks of green activists, therefore, have become important in environmental law enforcement and are increasingly drawn upon by official agencies for intelligence. As such, the plight of those seeking to protect and preserve the environment through vocal and direct public action has been both risky and dangerous. It is estimated that environmental activists or 'defenders' are dying at the rate of four per week globally, often murdered by individuals representing corporate interests and exploiting the land for economic growth (Global Witness 2017). In these instances, environmental activists are perceived as a threat to the corporations and states that seek to deny climate change and seek profit through the exploitation of natural resources.

## Conclusion

This chapter concludes that agnosia within contexts of climate change is politically and commercially powerful. It is not a mere agenda that determines a willingness to see the planet spiral into imminent and impending peril; it is a politics of being that undermines the democratisation of knowledge, the expression of free speech and the realisation of inalienable rights. The danger of climate denial and embedded agnosia from powerful elites discussed above cannot be over-emphasised because global publics are unwittingly conditioned to comply and conform to governing authorities through historical, institutional and cultural notions of 'trust'. Yet, we have witnessed resistance and dissent, and it forms an essential part of political accountability and global justice. There is mounting intellectual and social pushback against climate change deniers through discourse, litigation and direct action. Such action is increasingly dangerous in a world governed by demagogues and corporate moguls who seek power and control through the exploitation of the environment and its natural resources. However, it is through mobilised resistance and a brave

willingness to speak truth to power that the divisive and environmentally destructive policies and actions of the economically and politically backed climate change deniers will be consigned to the historical trash cans of the future.

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# 9

## Spectacular Law and Order: Photography, Social Harm, and the Production of Ignorance

Alex Dymock

### Introduction: Visual Criminology and the Politics of Ignorance

The condemnation of criminology's failure to engage with questions of the visual is now a well-worn narrative (Hayward 2009; Carrabine 2016). With a history dominated by figures and words, the critique of criminology's ignorance of the visual techniques and tools associated with visual representations of crime is certainly well-founded. Despite Brown and Rafter's observation (2013: 1018) that from the very beginning, given Lombroso's integration of artefacts and visual marking of criminals into his aetiology of crime, criminology has always had a visual archive, the theorisation of this relationship has until recently remained underdeveloped (Brown and Carrabine 2017). Borrowing from the methods and theoretical and empirical considerations of visual sociology (Becker 1974), the emergence of visual criminology as a sub-field has begun to transform

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the use criminologists make of images to better understand the given meanings we attach to crime, crime control, and law and order, and how these meanings may shape public opinion and criminal justice policy.

The majority of extended studies in visual criminology to date have focused on the place of the image in criminal justice and law enforcement (Bond 2012; Finn 2009; Sekula 1986; Tagg 1988) and, generally, only shorter studies attempt to comprehend our response to crime images. The latter primarily concern images of violence (Carrabine 2014) and, in particular, the ethics and politics of representation and spectatorship (Carney 2010; Carrabine 2011, 2012, 2014) and the values and judgements we use to evaluate the meanings and importance of images (Young 2005). While the theorisation of audience reception within visual criminology departs from positivist studies of 'effect', approaches have varied wildly from questions of affect (Young 2005), to the psychoanalytic (Bond 2012), to the feminist (Young 2010a). Yet, these diverse perspectives do possess a set of unifying themes, concerned with how that audience 'response arises within a matrix of intersections between the spectator, the artwork and the context of reception' (Young 2005: 14).

It is this latter question—how contextualising factors govern the reception of images—that has most ignited criminological debate to date. For example, Brown and Rafter's work on genocide films suggests that 'communities of action' might be inaugurated, providing a 'space from which to work through the meanings that will enter collective memory and historical consciousness' (2013: 1019). The central thesis here is that genocide films provide a ready example of a medium that brings visual culture and public criminology (Loader and Sparks 2010) into conversation. By situating the question of viewer and maker responsibility as an ethical and political problem, Rafter and Brown argue that genocide films provide a context for personal and political reflection, not only on our responsibility for, and relationship with, the images within the films, but more generally on the ethics of representing atrocity.

Similarly, Young's work on our 'spectatorial relation' with the crime image describes the affective impact it has on us as an 'emotion[al], corporeal and memorial investment' (2010a: 2). To reduce this relation to just one of these elements would be to oversimplify our encounter with the image. Crucial to Young's study on 'crime images' is her notion of the

‘cinematic courtroom’, in which viewers form a makeshift jury for the duration of the film in order to come to judgement about the events they see onscreen. While Young’s study, like Brown and Rafter’s, focuses on cinema, there is a question to be answered on the documentary photographic image of suffering and social harms: can it have the same power and, indeed, the same affects? How do we unwrap the tension between the documentary photograph as art and as social reportage? Can a single photograph provide the same space for reflection, memorialisation, and judgement as the narrative of a documentary film? And to what extent does the context for the image—both temporal and spatial—govern its ability to provoke, to awaken consciousness, and prompt critical engagement with its content?

The critic Susan Sontag argued, contrary to this suggestion, that in order to facilitate a moral response to the image, the viewer must have pre-existing knowledge of the event that it depicts. Writing on war photography, she submits that a photograph alone cannot sufficiently provoke a moral response: ‘without a politics, photographs of the slaughter-bench of history will most likely be experienced as, simply, unreal or as a demoralizing emotional blow’ (1979: 17). Yet, even if one does have prior knowledge of the event photographed, how does that knowledge shape our response to the image? More crucially, the ‘contextualising factors’ that determine *from whom* we get such knowledge will heavily influence our approach to it. While there are countless examples of images being used precisely for the purpose of unearthing or evidencing a counter-discourse, some of which will be discussed below, much of the knowledge that informs and facilitates our response to an image such as the war photograph is more likely than not composed from official discourse. Often, this causes our interpretation of photographs to be governed not simply by a state of non-knowledge, but ‘negative knowledge’ (Machlup 1980). As Barton, Davis, and White (this volume) point out, the spectrum of negative knowledge, from states of ignorance to states of ignoring, can have the effect of ‘restricting the intellectual and empathic imaginations necessary to understand social worlds, and the biographies of individuals living within them’. This operates not only at an epistemological level but may also fundamentally shape the *corporeal* response we have to images. Thus, rather than generating a more expansive moral,



aesthetic, and critical response to crime images, pre-existing knowledge may close that response down, or worse still, produce an active state of ignoring.

Criminologists who work extensively with questions of the visual have tended to argue that our engagement with it might expand the criminological imagination in order to make a case for bringing the realm of the visual into the criminological frame. As Hayward has stated, our contemporary world is 'suffused with images, and increasingly images of crime' (2009: 1). Our engagement with them as criminologists is inescapable and a matter of urgency. However, to uncritically accept that the inclusion of images is automatically an emancipatory step for criminology would be a mistake. In 2011, Jock Young wrote that to 'rescue' the criminological imagination from the clutches of positivism requires a renewal of the power and importance of criminological *verstehen*, an interpretive process of attempting to understand the meanings attached to crime (2011: 22). Given the increasing dominance of the image in shaping understandings of crime, we might consider how images affect the *visual dimensions* of the criminological imagination, where the aesthetics of crime become foregrounded, and our corporeal response to such visualisation privileged, without connecting the sensations attached to what we are seeing with 'sense (meaning)' (Young 2010b: 9). To avoid this, we need to consider the image itself as an active force rather than a passive receptacle of meaning. As Carney points out, 'instead of thinking of the photograph as a deficient image of something else, what if we think of it as a social process of producing images, whether images in the real, or images in fantasy?' (2010: 18). That is to say, any epistemological investigation of the crime photograph cannot and should not be 'reduced to a set of aesthetic concerns' (Carrabine 2012: 467) but must engage with the ways in which the image has the capacity to shape the 'political consciousness and instill[...] debates on crime and punishment with a new and more inclusionary "common sense"' (Barton et al 2007: 8). In other words, we need to understand both how the crime image might expand the criminological imagination, as well as how it has the capacity to 'contract' it.

The visual genealogy of criminology itself and, in particular, the way in which the history of the subject's domination by the criminal justice system has shaped the crime image in our contemporary purview, needs

unearthing too. As Wacquant has written, the visual is increasingly used by figures of authority—indeed, within the criminal justice process itself—to ‘reduce the fight against delinquency to a ritualised spectacle’ (Wacquant 2009: 243). In this way, rather than expanding the criminological imagination, the crime image is utilised equally to produce ignorance of what is on the face of it hidden from view: the connections we might make between private troubles and public issues (Mills 2000); between our corporeal response to an image and a critical response. To facilitate an engagement with the visual within a truly public criminology requires us to reveal the ‘optical unconscious’ ([1938] 2008), the sense that lies beneath our response to images of crime. Benjamin recognised that the photograph can operate as an eyewitness to history, as a medium of counter-discourse which has the capacity to threaten previously accepted truths and memories; but in our current media age, where ‘alternative facts’ have the power to dispute photographic truth in the eyes of those who view images, ‘the traditional distinctions between object and representation, truth and fiction, real and imaginary’ (Paschalidis 2003: 34) are increasingly blurred.

Drawing on Carney’s conception of the crime photograph as a ‘social practice’ or ‘social force’ which ‘produces more than it reproduces’ (2010: 18), this chapter will expand on his conception of documentary photography as *productive* of meaning. It will examine the epistemological status of the crime image in the contemporary media age and its implications for the knowledges that it reveals and simultaneously veils in the spectator. By surveying the history of photographic criticism, drawing on critics such as Berger and Sontag; and critical responses to the spectator, drawing on Debord and Ranciere, I will argue that while the image can be a powerful mechanism of agnosis, it also has the capacity to emancipate.

## This-Has-Been: A Brief History of Photography Criticism

Documentary photography has a barbed and contradictory relationship with knowledge and ignorance. For Bazin, whose view typifies the conception of photography that remained dominant throughout much of

the twentieth century, photography is distinct from what he termed 'the plastic arts'. Photography's technical and chemical processes produce an:

image of the world... formed automatically, without the creative intervention of man. The personality of the photographer enters into the proceedings only in his selection of the object to be photographed and by way of the purpose he has in mind. (Bazin 1960: 7)

In other words, the documentary photograph is said to be more authentic and objective in capturing reality than any previous visual medium. It is easy to see why, given the prevalence of this perspective, photography was so readily picked up by—and continues to form a key staple of—criminal justice agencies and, indeed, criminologists (Sekula 1986). The image itself provides a useful corollary to shore up other evidence that a crime event occurred at a specific time in a specific place; what Barthes calls, in his discussion of the photographic image, the 'this-has-been' (1993: 12).

Objectivity has proven the most controversial claim of photography. As Sekula's (1986) work on the body and the archive has revealed, photographs have often served as a disciplinary apparatus of the state and a technology of surveillance. Benjamin also rejected the claim to 'truth' that photography purported to invoke. One of the first critical theorists to recognise that the culture of modernity would be defined by its subjugation to the power of the visual, his work on photography was the first persuasive account of the social force of the image and how it has the power to redefine and reveal alternative histories, contesting official discourses that had often previously stalled historiography into a state of agnosis. In his classic essay, *Art in the Age of Mechanical Reproduction*, Benjamin argues, contrary to the view that the camera is an objective lens, that its invention signalled a death of the belief that to capture reality is simply a question of representing surfaces. While a mode of production, photography captures a 'synthetic reality', revealing layers that we might call the unconscious which are otherwise invisible to the naked eye. While photography and film do, by necessity, reflect something of the world, importantly, they also *produce* it. The technologies of

reproduction that underpin the growth of photography reveal a 'different nature'. As Benjamin argued:

[a] different nature speaks to the camera than speaks to the eye: most different in that in the place of a space interwoven by a person with consciousness is formed a space interwoven by the unconscious. (Benjamin [1938] 2008)

This is not to say that Benjamin is arguing that our vision becomes 'clearer' as a result of the photograph, nor that it has the power to awaken social consciousness. This is left entirely ambiguous. It lays out the world instead as though in a dream, bringing objects closer, exported across time and space, into our imagination. Nonetheless, Benjamin's critique, gesturing towards the idea that documentary photography did not produce a realist vision, was a highly influential intervention into the debates about both the subjectivity of vision that inflected the photograph and the way in which it has the power to confront us with 'things in their *noumenal* dimension' (Zizek 2012: xiii), where events are too intense for our perceptual apparatus, which is attuned to constituted reality. Thus, what is captured is not the event itself but traces of it. One obvious example of the noumenal dimension of photography in practice is crime scene photography. Bond (2012) argues that the image evokes a sense of the horrible scene that gave rise to the image while the scene itself is hidden from view.

From the 1970s onwards, critics of documentary photography that captured human suffering became increasingly disparaging of the way in which the camera aestheticises what it captures and argued that the photographer has a unique responsibility to the object of the image. As Sontag puts it, 'the act of photographing is more than passive observing ... it is a way of at least tacitly, often explicitly, encouraging whatever is going on to keep on happening' (1979: 12). This appraisal of photography's ethical failure and, in particular, its troubling habit of making suffering a cosmetic problem has become a near-truism. The assessment of photography as a duplicitous force imbued with the seductive power of veracity is also found in the work of Berger. In *Photographs of Agony* (1972), he captures the photograph's contradictory status: so accepted is it that graphic photographs of war are meant to arouse moral consciousness, that '*as soon as*

*this happens, even the viewer's sense of shock is dispersed: his own moral inadequacy may now shock him as much as the crimes being committed in the war'* (Berger [1972] 2001: 280–281, emphasis his).

Taking this a step further, it is not simply that photographs fail to rouse a sense of duty or desire to act on an individualistic level that has ignited hostility towards the medium. Anticipating Wacquant's critique of the use of the image in criminal justice, the danger of photography's claim to objectivity has marked it out as having the quality of an ideological tool, capable of obstructing critical thinking about the political motivations of the forces that permit and, indeed, sometimes encourage the wide circulation of certain photographs. Instead, images of suffering tend to be viewed within this critique as 'both artistically and politically reactionary, a way of mistreating the subject and inviting passive consumption, narcissistic appropriation, condescension, or even sadism on the part of viewers' (Reinhardt 2006: 14). In fact, it may be precisely *because* the medium prohibits the active denouncement of war by shocking the viewer into personal moral inadequacy that such images 'can be published with impunity' (Berger [1972] 2001: 281).

As we have seen, what documentary photography has the capacity to do, according to these critics, is move us from a state of ignorance of state crimes and harms to something still worse: *actively ignoring*. The deceptiveness of the photograph is well-exemplified by a now ubiquitous image that surfaced at the height of media interest in the refugee crisis of 2015, when thousands of refugees fled their own countries by making perilous journeys from Syria to scattered locations across Southern and Western Europe. Unsurprisingly, the right-wing British press was incredulous and mostly concerned with warring with France over the numbers of 'cock-roaches' (Usborne 2015) that might be given safe passage and residence in Britain. So virulent was the reporting that a UN-commissioned content analysis of five European countries' coverage of the crisis revealed that the British press was the most aggressive and pejorative (Berry et al. 2015). Given the rise in nationalist sentiment that has so often defined the UK's approach to migration, there was little popular sympathy for the crisis and still less any significant government commitment to intervene. Yet, one photograph appeared to stimulate more widespread social recognition of the crisis than others and was seen by more than 20 million people on

social media (Devichand 2016). The image captured Alan Kurdi, a toddler whose body was found drowned on the shores of Bodrum in Turkey and provoked a viral outpouring of horror and rage on social media and hurried donations of money, food, clothing, and technological goods to charities funding foreign aid workers helping at the camps (Image 9.1).

Photographing the plight of the refugees alongside eyewitness accounts seemed increasingly to be regarded as a heroic enterprise. The *New York Times* photography team was awarded a Pulitzer for this endeavour (Estrin and Gonzalez 2016), while Amnesty International staged a major exhibition of photographs of refugee crises from 1945—present on London's Southbank (Da Silva 2016). Yet, it was this single photograph of a drowned child that provoked the most virulent backlash against the European failure to intervene. Dumitrescu, writing for the *Washington Post*, accounts for the image's capacity to define the refugee crisis by speculating that it is because it is not immediately evident from the photograph whether the child is alive or dead. The photo at a first glance might give the impression that we are looking at a toddler taking a nap. In the moments that we take to process the photo, she suggests, 'we imagine



**Image 9.1** Picture of Alex Kurdi

how he got there, who he might have been. We write a story' (Dumitrescu 2015). The broader intent of the image, then, seems to be a provocation of empathy, but as Johnson has suggested, its primary *effect* is to reify dominant perceptions of how we imagine refugees. The 'fantasy of the outsider' (Johnson 2011) is re-created by such a photograph. Sure enough, the context and narrative frame that might be truly instructive, outlining the structural harms that led to Kurdi's death, were left conspicuously absent from most media reporting and, thus, from the 'story' most viewers of the image constructed. Official discourses that designate the refugee as 'other' are inevitably reproduced in the stories we tell to contextualise the image. The viewer of the image is led from a state of unknowing to a state of ignoring.

Perhaps most emblematic of this tendency was then-Prime Minister David Cameron's response to the image. He admitted that 'as a father, I felt deeply moved by the sight of that young boy on a beach in Turkey' (Dathan 2015) but simultaneously proclaimed that such was the societal fear of a 'swarm of people' entering the UK, little would be done to relax the UK's policy on resettlement. Despite the initial wave of shock and dismay that accompanied the initial publication of the image, and although it may have done something to raise awareness, it did very little to fundamentally reshape attitudes to refugees and asylum or to affect political change. Forty-eight per cent of Britons remain in favour of introducing a more restrictive asylum policy and, to date, the UK has taken in just 18% of its 'fair share' of Syrian refugees (Garcia-Blanco et al. 2016).

## Spectacular Law and Order

As we have seen, one of the major criticisms of documentary photography of suffering is that the camera lens often does little to challenge and, in fact, often reproduces the ideological sentiments of official discourse. At best, a single photograph can trigger public sympathy for a cause and an outpouring of grief, but this does little to fundamentally reshape public discourse or instigate resistance to the ways in which official knowledges produce negative knowledge. In the late 1960s, antipathy towards the representation of suffering in mass culture perhaps reached its peak



but less focus was placed on representation and the responsibility of the photographer. Attention was turned to the spectator. Drawing on the work of the playwright and performance theorist Bertolt Brecht, whose work railed against the simple emotional catharsis that theatre can induce, the Situationist International—a group of French Marxists concerned with rescuing human creativity from commodity culture—urged that this response now not only represented but was increasingly endemic to the human condition under conditions of capitalism.

Guy Debord's *The Society of the Spectacle* (1967) argued for resistance to what he saw as the Pavlovian conformism of the media audience. In an image-saturated society, Debord made a case that the relationship between direct experience and mediated representation had fundamentally changed as a result of the commodification of everyday life. The capitalist state's mastery over the image (Debord [1967] 1992) produced a condition of alienation between people that led to 'an identification of all human life with appearances' (Debord [1967] 1992: 9). Thus, the control of images itself 'becomes ever more vital to the maintenance of the capitalist social order' (Ferrell et al. 2008: 75). Debord named this thoroughly modern condition the society of the spectacle. Importantly, the spectacle does not merely represent a collection of images but more fundamentally

a social relation between people that is mediated by images. The spectacle cannot be understood as a mere visual excess produced by mass-media technologies. It is a worldview that has actually been materialised, a view of the world that has become objective. (Debord 1992: 7)

While the term 'spectacle' has subsequently been used primarily to describe the 'technologically dazzling' (Kellner 2002: 2) staging of news events, Debord was chiefly examining a specific stage of the development of capitalism in the West in which consumerism and media culture were conglomerated into spectacle. Central to this criticism of mass culture was the idea that it had produced not merely an 'objective' worldview but a uniformity of audience response: passive conformity. Ultimately, the society of the spectacle works to depoliticise, alienating the subject from 'actively producing one's life' (Kellner 2002: 3). In turn, this creates a ritualistic condition of viewer unification. The society of the spectacle



does not—as Durkheim’s notion of ritual does—produce unification in the sense of the collective; rather, its unifying effects ultimately produce loneliness since the conformity the spectacle produces forbids any possibility of active dialogue and community.

As we see, Debord’s concept of spectacle does not merely concern the visual but is a totalising vision of the commodity having achieved ‘the entire occupation of social life’. The development of documentary photography is, in Debord’s eyes, integral to the development of the society of the spectacle, in which an occularcentric culture is made possible due to ‘postindustrial technologies of reproduction, representation and information’ (Venkatesh 1992: 201). This not only suggests that the naïve notion of the possibility of photographic ‘truth’ is a deceptive falsehood but reifies the critiques of Berger and Sontag: that it is impossible to take photographs with a fresh and innocent eye. All pictures are seen through other pictures, and thus create a kind of pictorial intertextuality. In this purview, documentary photography cannot simply be described as trying to capture reality. Rather, it is a *simulacra* of a reality that never existed. As Carney suggests, this is especially true of crime photography. Giving the example of CCTV-driven ‘reality’ crime shows, he reminds us that we are ‘looking through a photographic medium to see more photography’ (Carney 2010: 18).

The documentary photograph, read through Debord, does not, as per Sontag and Berger, produce a state of active ignoring. Rather than being viewers of images, we become nullified and docile *consumers* of them: all responsibility to the object of the photograph is mediated, as the photograph itself become nothing more than a consumer good. Debord’s perspective on the audience of images as a docile consumer is shared by some cultural criminologists. Atkinson and Rodgers, for example, explore the condition of sadistic voyeurism that characterises ‘cultural zones of exception’, in which the viewer becomes temporarily ‘suspended from normal sociality’ (2016: 1296) and engages in deviant experience through violent video games and pornography online. Ferrell et al., too, name this nullification a ‘state of suspension’ (2008: 145) induced by the corporatised digital spectacle of crime as it pervades our televisions, social media, and news consumption. Even here, though, the ‘general collective’, as Presdee puts it, ‘yearn for spectacle’. Our consumption of crime leaves us in ‘a

blissful state of 'non-responsibility', a sort of 'never-ending moral holiday where we can enjoy in private immoral acts and emotions' (Presdee 2000: 64). While not all explicit descendants of Debord's thought, this view of the spectator, as ultimately a passive recipient of meaning, pervades much contemporary criminological work.

As we see, Debord's notion of the spectacle is entirely hegemonic and demonstrates the function of ignorance (Moore and Tumin 1949) in preserving the 'ever-oppressive state' (Croissant 2014: 12), precluding any possibility that—as Ferrell et al. put it—the combination of 'images and analysis as tools to "vulnerablize" the state and challenge its hegemony over the "realm of the image"' (2008: 76) leave the state susceptible to manipulation, resistance and counter-discourse. Later renditions of the use of spectacle, however, take into account the kind of 'contradictions and reversals' (Kellner 2002: 2) that might allow media spectacle to function as a realm of political contestation, in which different forces use the spectacle to push their agendas and political interests. While sharing firmly Debord's contention that the monopolisation of news events by the media are increasingly 'played out' on the screens of media culture and specifically work to amalgamate information and entertainment, moments of resistance can be glimpsed from within even the most conservative of media texts when read against their ideological grain.

One recent example which demonstrates how the force of spectacle can nullify critical response is the reception of visual representations of the London riots of 2011. While the causes of, and the political response to, the riots are now well-worn territory in criminology, visual depictions of them have not received so much attention. One reason for this is that, unlike previous riots that took place in London throughout the twentieth century, the 'dark spectacle of the riots of 2011 had a strangely conformist aspect' (Winlow and Hall 2012: 153). In particular, the consumerist underpinning of the looting that took place denotes the power of the relation between media culture and consumerism, as the rioters rushed to take advantage of 'shopping for free'.

However, as the riots began to spread from a single location in Tottenham, where the shooting of Mark Duggan by armed officers initiated the unrest, and fanned outwards to other London suburbs, then across the country, news media began deploying what Tyler has called

‘scum semiotics’ (2013) to produce a consensus that there was no explanation for the rioters’ action other than a paucity of morality and individualistic opportunism. As Ball and Drury (2012) have noted, two particular kinds of representation dominated the visual coverage: the first, the representation of rioters as individually uncivilised, morally deficient members of the underclass; the second, that of the swarming crowd, the contagious nature of which led to people losing their senses, leaving them susceptible to commit acts of mindless violence and theft.

The nadir of the first representation arose in the days following the riots, when *The Sun* launched its ‘Shop a Moron’ campaign, encouraging readers to submit images of rioters and simultaneously identify them in order that they be prosecuted. This punitive strategy speaks to what Foucault noted is a ‘visual tactic of marking’, in which the visual is employed to stain, stigmatise, and, in short, ‘setting on [the guilty] the visible mark of the sovereignty of power’ (Foucault 2000: 9) to visibly mark out the rioters as excluded from the wider moral consensus. As Tyler notes, this strategy was designed specifically to invite readers to ‘examine the faces and bodies ... of those pictured for evidence of inherent signs of physical, mental and moral defects’ (Tyler 2013). While rioters were condemned for their ‘greed’ for consumer goods in the midst of the looting of cheap sports gear, readers were encouraged by media outlets to commodify the bodies of the rioters themselves and view them as symbolic of a degenerative criminal dangerousness. Ultimately, such images fail to instate any active curiosity about the possible causes of the rioters’ actions, and instead focus exclusively on their appearance in a Lombrosian gesture, visualising the criminal body.

The second image perhaps most representative of the riots of 2011 was the ‘swarm’ of residents who rushed to volunteer to clean up in the aftermath of the unrest, to return their area to its ‘ordinary’ state. Brooms aloft, the smiling, predominantly white do-gooders were photographed standing poised to cleanse the streets of London of any mark left by the rioters. This ‘symbolic social cleansing’ (Himmelblau 2011) is an apt example of how documentary photography can adopt a numbing power of pacification and, in turn, produce a collective state of agnosis. The deployment of the ‘us’ and ‘them’ rhetoric (‘our streets’, ‘their vandalism’) demonstrated the paucity of political imagination that accompanied the

aftermath of the riots and any meaningful effort to understand what they meant and why they had taken place.

Media spectacle often functions to polarise what society considers its highest values—volunteerism, provincial collectivism—with its lowest—what Prime Minister David Cameron termed ‘pure criminality’. The juxtaposition of images of the rioters with the clean-up efforts demonstrates the extent to which the state and media’s ‘mastery of the image’ was employed to pacify readers and depoliticise the riots, ultimately stimulating an *appetite* for ignorance of their meaning or causes and allowing a punitive response to flourish. Perhaps the biggest indictment of all was the launch of Operation Cup of Tea, a Facebook page that attracted over 200,000 visitors, inviting spectators to stay home and upload images of themselves drinking a cup of tea rather than causing civil unrest (Harrison 2011). While on the surface an attempt to stimulate collectivism, the campaign demonstrates the alienating power of spectacle, ultimately commanding participants to remain in their houses and determinedly ignore the fact that the riots had taken place at all. While the riots of 2011 were not the first to be televised, the way in which they were visualised, and the twee ‘keep calm and carry on’ visual response itself, amounted to little more than what Wacquant has termed ‘penal pornography’: ‘symptomatic of the wider acceleration and inflation of penal activity conceived, represented, and implemented for the primary purpose of being displayed in ritualised form by the authorities’ (Wacquant 2010: 206, as cited in Tyler (2013)). Ultimately, the visual representation of the riots reiterated the maintenance of social control in authorising ‘specific forms of seeing’ (Brown and Carrabine 2017) the riots and demonstrates how images can contribute to the production of ignorance and ‘contracting’ the public’s criminological imagination.

## Crime Photography: ‘Pensive Images’?

As we have seen, the field of photography and spectatorship studies has been rife with assertions that to be a viewer of images is debilitating rather than emancipating. While the approaches of Sontag, Berger, Barthes, and Debord are disparate in tone and theoretical apparatus, what they share

is a sense that to be both a spectator and emancipated is a contradiction in terms. However, in recent critical literature on spectatorship, there is increasing suspicion of the cruelty with which the spectator is represented. As Rancière puts it, they are seen through ‘the image, totally hackneyed and yet endlessly serviceable, of the poor cretin of an individual consumer, drowned by the flood of commodities and images and seduced by their false promises’ (Rancière 2009: 45–6). For Rancière, this denigrating vision of the spectator reveals a determinism in how aesthetic judgement is measured and properly understood. Offering a critique principally of Debord, his book, *The Emancipated Spectator* (2009), grapples with the relation between knowledge, power, and the image in ways that might be particularly fruitful to criminology.

Rancière’s principal argument lies in his concern with what he names ‘dissensus’. Rather than centring his critique on the affective dimensions of spectatorship, Rancière suggests that the relationship between the aesthetic and knowledge is an inherently political one, in which aesthetic practices might instil a process of ‘political subjectivation’ (2009: 49). For Rancière, the spectator becomes emancipated when the opposition between viewing and acting is challenged altogether: ‘when we understand that self-evident facts that structure the relations between saying, seeing and doing themselves belong to the structure of domination’ (2009: 13). Returning to the question of the permissibility of images of torture—which he names ‘intolerable images’—and the supposed awakening of the consciousness they instil, Rancière follows the same general premise as Berger and Sontag. Without context or prior knowledge, the victim who forms a component of the image merely ‘belongs to a system of visibility that governs the status of the bodies represented and the kind of attention they merit’ (2009: 99).

Rancière, therefore, falls outside both the truism that the ‘intolerable image’ awakens the viewer to a previously misunderstood reality, allows them to comprehend and understand that reality, and prompts them to act; and the now standard critique, which suggests the image has no political capacity at all. Rather, he suggests that while images do not ‘supply weapons for battles’ (2009: 103), they might help ‘sketch new configurations of what can be thought and, consequently, a new landscape of the possible’ (2009: 103). However, for Rancière, the crucial imaginary surplus of an image lies in the photographer or publisher resisting any attempt to anticipate its meaning and possible effect. This seems an almost impossible

ambition, and perhaps Rancière overemphasises the role of the artist in governing the meaning of the image, when the context in which it is displayed, exhibited, or seen is just as likely, if not more so, to attempt to anticipate effect and meaning. This may be especially true of crime images, although what Rancière also perhaps misses is that it is sometimes the deliberate intention of the photographer to challenge the very threshold of our belief that photography conveys something truthful, and that it is uniquely equipped over other forms of representation to do this.

Recently, the Photographer's Gallery in London staged an exhibition entitled, *Burden of Proof: The Construction of Visual Evidence*, which constituted 11 case studies of how photography has been central to documenting and evidencing atrocity, ranging from Bertillon's early crime scene photography to images of the Nuremberg trials, in which visual evidence from the concentration camps was used to successfully prosecute 22 Nazi war criminals. The exhibition's central thesis rested primarily on the view that crime photography is much more ambivalent than either simply reproducing the 'this has been' or 'allotting the place of painting to a photography that assumes the format of the painting and imitates its mode of presence' (Rancière 2009: 109). While reviewers remarked that the early crime scene images of Bertillon, taken as they were specifically for prosecutorial evidence, were 'irresistibly beautiful' (Disphotic 2015), the exhibition also took care to highlight the difficulty of displaying images of this kind in a gallery space. Carrabine has documented in some detail the ethical complexities of conflating 'evidence' with 'archive' in exhibitions of crime scene images (Carrabine 2014). But while it is difficult to avoid the assumption that a display of images in a gallery falls into the category of 'celebrating' the crime image archive, crime photography displayed in this setting perhaps more closely recalls Rancière's notion of 'the pensive image' (2009: 107), which produces in the spectator a reflexivity that makes space for a narrative imaginary. For Rancière, this is not the same as an autonomous reaction to the image or emancipation from the oppressive regimes that determine that reaction. Rather, his argument is that critical art has the ability to produce this ambivalence, that what the viewer understands and interprets in it is often quite other than the artist, publisher, or curator's intent. In other words, Rancière is critical of didactic art which implicitly aims to politically mobilise—examples of which I have given here—precisely because

it *presupposes* the ignorance and passivity of the spectator. The exhibition in question seemed purposefully to try and avoid this; instead, asking the viewer to consider the tension between evidence and artistry in crime scene images, mug shots, and even the difficulty of making an exhibit of the process of using evidence in trials (Image 9.2).

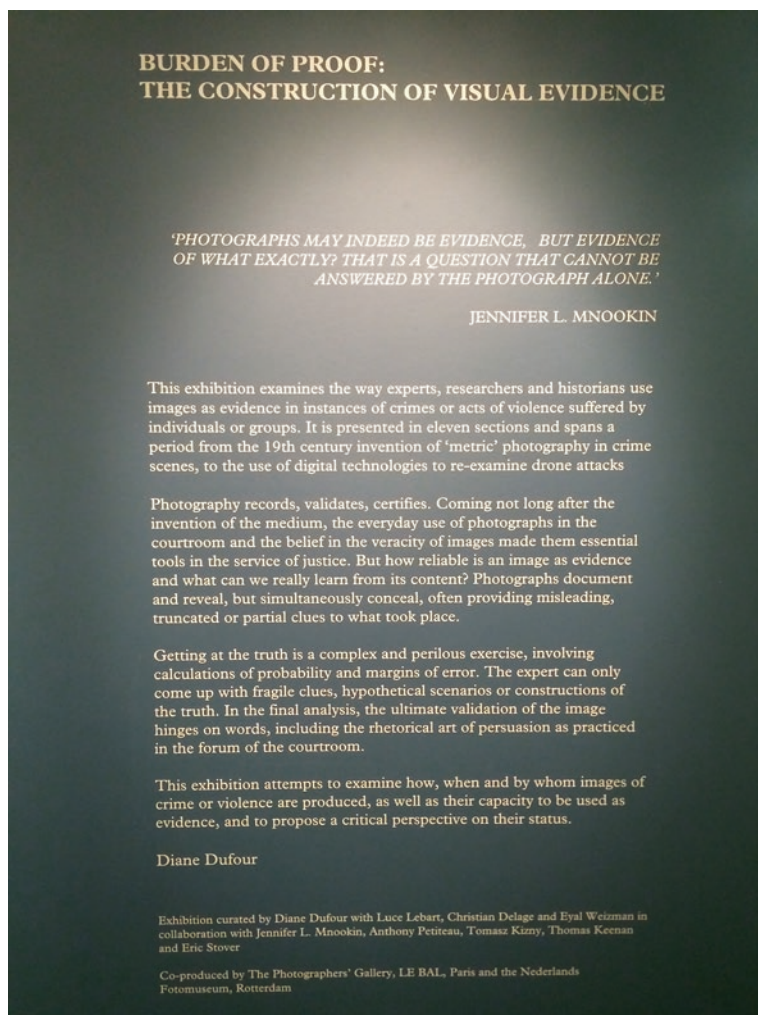


Image 9.2 *Burden of Proof* exhibition notice



The ambivalence that characterises Ranciere's notion of the 'pensive image' seems a particularly useful tool for criminologists interested in the relationship between the visual and the criminological imagination. Crime and criminal justice are never represented neutrally, but more often than not—even in critical studies in visual criminology—the viewer of the image is conceived as lacking knowledge or possessing knowledge for which the image serves as a corrective. Ranciere's reconfiguration of the spectator as *active* allows us to consider the viewer of documentary images themselves as imaginative *producers* of meaning, rather than passive receptacles.

## Conclusion

Where documentary photography of law and order and social harm is concerned, the question of the production of ignorance is not as simple as determining the image's ability to denigrate that which it depicts and, in turn, simply 'transfix' the viewers and numb them into a state of indifference to social harm and human suffering. Some of the examples I have given—such as visual representations of the refugee crisis—suggest that, in some cases, the image has a capacity to produce an active desire to *unsee* what it depicts because the responsibility attached to knowledge of what the image conveys and, more importantly, acting on that knowledge, are so overwhelming as to be unbearable. In other cases, the official or dominant discourses that shape our knowledge of what an image of suffering depicts, and thus our response to it, actively aim to shut down the criminological imagination and prevent us from connecting the event or scene in the image with the socio-political and economic forces that have caused that suffering.

Nonetheless, I suggest that the relationship between knowledge and documentary images is more ambivalent than this. In fact, it may be that the ambivalence of images of violence is itself a valuable emancipatory tool. This is not because it conveys either the photographer or criminologist's knowledge to dim-witted spectators who are ultimately commodity fetishists, beguiled by the sheer beauty of suffering; but because it ultimately reveals the violence of capitalist sovereignty. In turn, this allows



the viewer to upend and deconstruct the punitive or even sadistic impulse attributed to the viewer by the forces of the state. In other words, it allows the viewer to elucidate the 'sense' they already possess.

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# 10

## Penal Agnosis and Historical Denial: Problematising ‘Common Sense’ Understandings of Prison Officers and Violence in Prison

David Scott

On 3 November 2016, the Conservative government published its vision of the future of the Prison Service in England and Wales. The policies included in their white paper *Prison Safety and Reform* ranged from proposals aiming to raise prison standards; enhance autonomy and accountability for prison governors; intensify and increase the transparency of prison monitoring; further recognise the needs of vulnerable prisoners (specifically defined in the white paper as women and young people); expand capacity for adult prisoners by creating 10,000 new prison places; and build five new community prisons for women. Claimed to be the “the biggest overhaul of prisons in a generation” by the then Justice Secretary Liz Truss,<sup>1</sup> all the proposals merited careful consideration and critical reflection. Yet, public debate in the days preceding and following the publication of the white paper focused almost exclusively on one particular set of issues: prison officer staffing levels and prisoner violence.

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The day before the publication of *Prison Safety and Reform*, Steve Gillan, General Secretary of the Prison Office Association (POA), received enormous publicity in the British media when he claimed that as a consequence of a massive reduction in the number of prison officers since 2010, prisons were now places of “carnage and bloodbaths” that might result in prison officers losing their lives at the hands of violent prisoners. His claims were evidenced with a mixed set of data pointing to the high levels of recorded prisoner violence, self-inflicted deaths and recorded assaults on prison officers.

This apparently intimate relationship between staff levels, prisoner physical violence and prisoner (self-inflicted) deaths has become ‘common sense’, with politicians, practitioners and media commentators alike assuming that such connections are obvious (Attard 2016). The power of the POA rhetoric stretched beyond the Conservative Party and appeared to underscore a political consensus of the root cause of the prison crises. The *Labour Party Manifesto* (2017), for example, noted:

Staffing levels are too low. The situation is dangerous and violence against prison officers is rising ... We will recruit 3,000 more prison officers and review the training and professional development available. We will publish prison officer to prisoner ratios for all prisons.

Yet, when examined through a historical lens, the apparent consensus that low staffing levels are the root cause of the humanitarian disaster confronting prisons in England and Wales looks overly simplistic, if not misleading. It is particularly important to consider the media here, as the media undoubtedly perform a key role in perpetuating myths and penal ‘agnosis’/penological illiteracy.

The aim of this chapter is to consider if the much-publicised ‘causal relationship’ between prison officer numbers and prisoner violence is a form of ‘penal agnosis’: the cultural production of penal ignorance (Proctor 2008). My use of penal agnosis draws directly from the writings of Cohen (2001) and Mathiesen (2004). Mathiesen (2004) tells us that silencing techniques deployed in everyday life help to keep people quiet and neutralise criticism. Whilst these are varied, of particular concern here is when an event becomes “isolated in the present” (Mathiesen 2004:

42). In this silencing technique, the historical context of the event is removed and 'legitimate debate' restricted to only the present, meaning that any dissenting voices wishing to draw upon evidence from the past are effectively silenced. Cohen (2001) noted that when such knowledge of the past is actively blocked off, repressed, lost or forgotten, we are confronted with 'historical denial'. This restriction, upon debate, occurs within a broader context of the social construction of ignorance and 'penological illiteracy'. This is because historical denial skews penal realities and insights into the broader field of penological knowledge identifying continuities in penal harms over the centuries are lost.

This chapter provides a theoretical context to the invisibility of historical evidence regarding the harms and violence of penal confinement. It focuses on how the narrative of prison staffing levels is not only time-locked but also how the current understandings of the relationship with violence are derived primarily from the perspective of prison officers. This is, in both senses of the word, partial knowledge at best. At worst, it may comprise under-contested falsehood and fallacy. The chapter explores how the 'historical denial' of institutionally structured violence generates not only creates a false impression of prison life but also leads to a situation where new myths, falsehoods and the ignorance of the prison place can be manufactured. The end result of this historical denial (Cohen 2001) is that solutions to the violence of incarceration are narrowed to increasing prison staff numbers whilst alternative ways of thinking about and responding to 'crime' and record prison populations in England and Wales are 'silently silenced' (Mathiesen 2004).

## Constructing the Narrative

The current dominant narrative on prisons incorporates a number of interconnected themes: individual pathologies and increasingly violent prisoners; reductions in prison officer numbers; and significant increases in the use of psychoactive drugs. In short, there is a crisis of penal discipline. The prisoner is undisciplined and lazy, a 'less eligible subject' whose plight is undeserving of our attention whilst the prison officer should be the object of our sympathy. The prison officer is the 'victim' in this prison

narrative (Sim 2004). There can be little doubt that in our historical conjuncture, the prison officer union (*The Prison Officers Association* aka POA) have successfully accessed and influenced both the media and politicians regarding the legitimacy of their claims and demands for change. Yet, evidence supporting the position of the POA is largely restricted to a timeframe stretching only from 2010 onwards (Sim 2017). The end result is not only that a skewed and partial picture is presented to the public about penal realities, it also shapes penal policy.

The vast majority of information about the prison place comes from official sources. Although the primary providers of information are government agents—the Justice Secretary, Ministry of Justice, Her Majesty's Prison and Probation Service—in recent times, the POA have proven to be an increasingly significant source of information for the media. This POA have become 'primary definers' shaping the interpretations and understandings of penal realities (Hall et al. 1978). Yet, through their contribution to making sense of the prison world, the POA cannot and should not be considered impartial observers. Rather, they are an occupational grouping with a given set of vested interests and a clear agenda. The greater their influence in instilling a particular interpretive framework as the established and sanctioned knowledge of the prison place, the more likely their overall goals and objectives will be achieved. In this sense, the POA are modern-day moral entrepreneurs<sup>2</sup> speaking in the name of 'common sense' when it comes to reducing prison violence. The prison officers are becoming what Foucault called 'authorities of delimitation' (1972: 41): that is, people in positions of influence whose knowledge and interpretation of events successfully authorise the 'true' version of those events. Yet, their worldview is underscored with the commitment to create a new authoritarian consensus (Hall et al. 1978).

To explore how the media and political narrative is being constructed, an analysis of media articles published in electronic form in 2016 was undertaken. A total of 100 articles were selected via an Internet search using a combination of keywords like 'prison officer', 'guards', 'prison staff', 'violence' 'assaults' and various references to prison weapons (e.g. 'knives') and physical violence (e.g. 'prison riots'). The sample included articles from a range of newspapers, including national tabloids (*Daily Mail*, *Daily Star*, *Evening Standard*, *Express and Star*, *Express*, *The Mirror*



and *The Sun*); national broadsheets (*The Independent* and *The Telegraph*); and local newspapers (*Birmingham Mail*, *The Chronicle*, *The Hull Mail*, *The Lincolnite*, *Manchester Evening Post*, *Nottingham Post*, *Peterborough Telegraph*, *The Wandsworth Guardian*, and *Yorkshire Evening Post*).<sup>3</sup> Without claiming to be a representative or scientific study, the findings are helpful in terms of understanding the now-taken-for-granted connection between prison officer staffing levels and prisoner violence as 'common sense' (Table 10.1).

We need give only a cursory glance at newspaper headlines from 2016 (and included in the study) to gain an impression of how the current narrative on prison officers and prisoner violence has been constructed in the press.

'Perfect storm' leads to more jail violence (*Nottingham Post* 20th February 2016)

Prison officers walk out of Wormwood Scrubs over violence (*The Telegraph* 6th May 2016)

HMP Northumberland staff fearing for their safety following string of incidents (*The Chronicle* 6th May 2016)

The prison service has been cut to the bone and we struggle to keep control (*The Guardian* 6th August 2016)

**Table 10.1** Proportion of sampled articles including prison officer voice

Month (2016)	Number of media sources in sample	Number of sources citing prison officers	Number of sources directly citing POA
January	6	0	1
February	10	3	6
March	4	2	0
April	6	4	0
May	17	1	7
June	3	0	0
July	4	0	1
August	2	1	0
September	3	0	0
October	6	0	1
November	17	3	9
December	22	2	8
<b>TOTAL</b>	<b>100</b>	<b>16</b>	<b>33</b>

Prison violence epidemic partly due to staff cuts (*The Guardian* 27th October 2016)

Banged Up: Furious prison officers threaten to ‘take control’ of every jail in the country in protest at explosion in violence behind bars (*The Sun* 1st November 2016)

Featherstone Prison: Violence escalates as jail staff dwindle (*Express and Star*, 19th December 2016)

In the study, there are direct citations from prison officers of the POA in nearly half of the articles (49 in total). Virtually all accounts which drew upon the words of prison officers were sympathetic to their plight and often made direct connections to the decline in officer staffing levels and problems confronting prisons today. There were also a number of articles which provide direct testimonies and accounts from prison officers.

Danger, overcrowding, no time to talk: a UK prison officer speaks out (*Open Democracy* 5th April 2016)

Sacked Lewes Prison whistle-blower ‘not surprised’ by damning inspection report (*The Argus* 26 April 2016)

Whistle blower: Spice is rife in Lancaster Farms prison (*The Visitor* 28th April 2016)

The Secret Warder – Prison officer reveals shocking inside story of life in Britain’s crisis-hit jails (*The Mirror* 28th May 2016)

Prison officers know how to run jails. Liz Truss needs to listen to us (*The Guardian* 18th November 2016)

Prison guard warns lags run the jails now as she admits officers have lost control in crisis (*The Mirror* 20th November 2016)

Inside Strangeways: What one prison officer thinks you should know (*Manchester Evening Post* 14th December 2016)

Indeed, the clamour to hear the voice of the prison officer was so strong that *The Guardian* on 8 July 2016 published an article asking “Prison officers and staff: what are your issues and concerns?” A number of newspapers published detailed testimonies of prison officers during this period. The main points that the prison officers emphasised were similar

and reflected the hegemonic understanding. Some representative examples of the testimonies include statements such as the following:

Over the last couple of years the service has been cut to the bone. We used to run a wing of 300 prisoners with 15 staff – now we're down to eight. When there was an incident and we pressed the alarm bell the wing would be flooded with staff responding from other areas of the jail. I felt safe and in control. Now when the alarm is raised, we're lucky if four staff are available to respond. The effect of this on the wing is that we struggle to maintain a safe environment. (Anonymous Prison Officer, *The Guardian* 6th August 2016)

In recent years, savage budget cuts mean that over 30% of frontline staffing has been removed, and the net effect of this is a loss of control. (Mike Rolfe, POA, *The Guardian* 18th November 2016)

It's become ridiculous. Prisoners can do what they want. There aren't enough staff to stop them. They're running it, not the staff. You press an alarm and there are no staff there to come and help you. The service is being cut everywhere and the governors are ignoring what's going on while the prisons are going to s\*\*\*. Staff are being pushed to their limit and they can't cope. (Kelly Smith, former Prison Officer, *The Mirror* 20th November 2016)

That so many articles in this small study included the voice of prison officers can, of course, be partially explained by the words used in the Internet search, but it also indicates that the worldview of the prison officer and their union had a strong presence in the national and local media the months leading up to and shortly after<sup>4</sup> the publication of the white paper *Prison Safety and Reform* (MoJ 2016).

## Prison Safety and Reform

We will invest to strengthen the frontline with 2,500 additional prison officers by 2018. This will provide prisons with the men and women they need on the frontline to bring safety and discipline back to the wings. (Ministry of Justice 2016: 7)

With little critical scrutiny by the media of this prison officer and POA interpretive frame (POA 2016a, b), there has been very little questioning or contextualisation of the data behind the dominant explanation of our failing prisons and prison violence. Such a narrow focus not only distracts attention from the many other significant limitations of current penal policy but also closes down opportunities for a debate on the problems confronting penal confinement and the need for alternative policies. It is also predicated upon a number of assumptions that do not stand up to historical scrutiny. Let us then carefully critically consider some of the key assumptions of the white paper regarding the relationship between prison officer staffing levels, prisoner violence and deaths in prison within the historical context.

## Our Dedicated and Brave Staff

*Prison Safety and Reform* is clear in how it identifies the problems facing the prison and how they can be solved by reversing the decline in prison officer numbers. It draws upon statistics which showed:

The number of Band 2 to 5 frontline operational staff reduced from 29,660 on 31 March 2012 to 23,080 on 31 March 2016. As violence has increased it has become harder to retain existing staff, thus creating a vicious cycle of staff pressure and violence. (MoJ 2016: 41)

Reductions in prison staff have led to increased levels of prisoner violence and placed intolerable “operational strains on the dedicated and brave staff that work in our prisons” (MoJ 2016: 8). There was to be an immediate increase in prison officer numbers (in total 2,500 new officers) and, in the first instance, ten prisons with the highest rates of violence will be targeted for staff-prisoner ratio increases. Overall, the aim was to have a dedicated prison officer with a caseload of six prisoners who would not just be “security guards and minders but also mentors” (MoJ 2016: 3). In so doing, “frontline staff will be given the time and the tools they need to supervise and support offenders so they can turn our prisons into places of safety and reform” (MoJ 2016: 5).

When a more detailed and historical lens is used to view our failing prisons and the levels of prison staff within them, a number of difficulties with the assumptions of the white paper quickly became apparent.<sup>5</sup> The government proposals facilitate the construction of ignorance about the root causes of the problems of imprisonment. When we look at staffing levels (and certainly the numbers of prison officers employed in a given year), the claim that staffing levels are dangerously low becomes untenable. Prisons have never had high numbers of paid prison staff. In the eighteenth century, it was common for jails and prisons such as Clerkenwell Bridewell, Newgate Prison or Kings Bench Debtors Prison to have only one or two paid turnkeys (as prison officers were referred to at that time) for every 100 prisoners and sometimes only three or four members of staff in total. By the early to mid-nineteenth century, the vast majority of prisons still had less than 10 staff (of which not all would be turnkeys) and only very rarely were more than 20 staff employed at a prison (Table 10.2).

In the main, prisons at this time were not actually run by prison officers but rather by prisoners who undertook nearly all of the key functions, including locking and unlocking other prisoners. It was not until the Prison Act (1865) that it was legally forbidden to appoint prisoners as staff and the end of ‘prisoner warders’ was not completed until perhaps as late as 1877. From the 1870s, the numbers of paid prison warders (they were not called Prison Officers until 1921) increased and staff prisoner ratios began to stabilise at around one member of staff for every six prisoners towards the end of the nineteenth and the beginning of the twentieth century. Prison warders constantly complained of being understaffed. One early prison officer autobiography *Men in Cages* by H.U. Triston,

**Table 10.2** Number of staff in 143 prisons in 1835

Number of staff	Number of prisons
1–4	45
5–9	60
10–14	23
15–19	8
20–24	4
Over 24	3

McConville (1981)

written in the 1930s, frequently refers to prison conditions at the beginning of the century. It is particularly revealing about the differences between the official and the 'real' staff-prisoner ratios at that time:

... the number works out to about one warder for every five prisoners. That, at first glance, may seem plenty, but it is misleading. You have to allow for a small percentage being sick, more on leave, some on night duty, on clerical work, escorting prisoners to courts or other jails, and various other causes. So, in practice, it is rarely that you find more than one warder to twenty prisoners—often one officer has to supervise forty or fifty men... (Triston 1938: 87)

These words of H.U. Triston in 1938 lead us to an important caveat when exploring prison officer and prisoner-staff ratios and that is the amount of hours served in the prison at a given time and the quality interactions between prison officers and prisoners. From the 1800s through to the 1980s, prison officers worked extraordinarily long hours often in poor working conditions and for relatively low pay. Officers, for the best part of the twentieth century, could be on duty for more than 72 hours per week (an average of more than ten hours a day). From the 1930s, the POA began to exert some influence and as prison conditions, in general, improved so did prison officer wages. Following the 'Fresh Start' Initiative in 1987, contracted hours were reduced to 39 hours and compulsory overtime was ended. Prison officers have since worked longer than 39-hour weeks, but the amount of time they spend in the prison is certainly much shorter than over the previous 100 years. When thinking about prisoner-staff ratios, one of the key things to consider is the amount of actual contact between prisoners and prison officers, something which is conspicuous by its absence in the white paper.

With the exception of the war years (1914–18, 1939–45), when large numbers of prison officers were recruited into the army, the staff-prisoner ratio remained relatively stable in the first half of the twentieth century. In the 1950s, there was one prison officer for every six prisoners. Significantly, no comparative decrease in prisoner reoffending rates can be mapped onto the falling prison officer-prisoner ratio over this extensive historical period. Indeed, the 'reformed' prisons have never been

effective in terms of reducing recidivism rates throughout their 200-year history dating back to the opening of the 'General Penitentiary' at Millbank, London, in 1816 (Scott 2008a). There are of course problems when measuring reoffending rates (which are always an underestimate) and official data on the number of prison officers compared to prisoners, but there is no historical statistical evidence connecting rises in prison officer numbers with improved rates in the rehabilitation of prisoners, thus challenging the false claims made in *Prison Safety and Reform*. In the interests of the current government agenda, what we are presented with is the construction of ignorance around *why* prisons fail to meet their claimed goal of rehabilitation (Scott 2018).

Alongside the concerns highlighted by H.U. Triston about the accuracy of the claimed staff-ratio levels, the prison officer-prisoner ratio is also different depending upon the penal establishment. This was especially the case following the increase in the security and creation of different categories of prisons following the Mountbatten Report in 1966 and the following review of policy by Criminology Professor Sir Leon Radzinowicz (Scott 2008b). Thus, for example, data from September 1976 indicates that the prison officer-prisoner ratios were as low as one prison officer to every one prisoner at the dispersal prison HMP Gartree, but less than one prison officer for every six prisoners at the lower security HMP Appleton Thorn. Different staffing levels continue to shape the contemporary picture, with high-security prisons having low staff-prisoner ratios and lower security category prisons having much higher ones (such as HMP Sudbury, which has eight prisoners for every officer). The generalised conflation of recorded violence and staffing levels presented in the media, by the POA and Justice Secretary Liz Truss, is not then as informative as it first seems. It is not possible to link rates of daily violence across the penal estate with general data on staff numbers, as the claims made can only really be asserted on an individual prison basis.

By 1990, the prison officer-prisoner ratio had decreased to its lowest-ever level of 1 prison officer to every 2.3 prisoners. Since 1993, though the number of prison officers employed has increased, because prisoner populations more than doubled, the prison officer-prisoner ratio increased to 2.8 prisoners by 2010 in public sector prisons. In March 2016, the ratio was 1 prison officer to every 3.6 prisoners, which brought public

sector staff ratios largely in line with private sector prisons. If the proposed new 2,500 officer are factored in, the ratio will fall to 3.3 prisoners to every prison officer in public sector prisons. The closeness of staffing levels between public and private as of March 2016 is perhaps illuminating in understanding why the POA focussed so heavily on staff-prisoner ratios. Yet, when located in historical context, they were (still by quite some margin) some of the lowest ever in prisons in England and Wales. Whilst the picture is distorted by hours worked, levels of contact and problems in comparing data compiled in different ways across the last 200 years, what can be conclusively asserted is that the case has not been made for the claim that prison staffing levels have an impact on reoffending rates.

## Physical Violence and Pathologised Prisoners

One of the key goals of *Prison Safety and Reform* is to remove obstacles to prisons undertaking their central goals of rehabilitating prisoners and reducing reoffending. The explanation proposed for the failure of rehabilitation in prison is prisoner violence. It should perhaps come as no surprise to see that the white paper blames prisoners themselves for the failings of the penal system. Unlike prison officers, they were denied a voice in the formulation of its proposals. The silencing of prisoners is a clear part of the process of penal agnosis—being prevented a voice allows ignorance and penal illiteracy about the prisoner experience to fester and grow. Further, explaining failing prisons through the lens of interpersonal physical prisoner violence is a way of both pathologising prisoners as dangerous people and distracting attention away from some of the other, more-hidden but equally harmful forms of violence in prison. By drawing upon only a recent analysis of the data on prisoner violence, a particular and limited understanding of physical and interpersonal violence is presented as a ‘penal truth’.<sup>6</sup> Through constructing an explanation grounded in notions of individual prisoner ‘abnormalities’, an opportunity was created for such a historically unlikely (though perhaps very short-lived) alliance to develop. Though monopolising voice and promoting such a limited interpretation of violence, this ‘coincidence of



interests' has provided an important opportunity to further embed the deliberate manufacture of ignorance/agnosis.

The white paper notes that since 2012, there have been significant rises in recorded incidents of prisoner violence. It boldly states that, in 2016, there were 65 assaults in prisons every day. These alarming figures appear to support the claim that the key problem is prisoner violence. Consequently, we are told that as "reform can only take hold in a safe and disciplined prison environment", it is essential to reduce prisoner violence so we can achieve "a more stable estate, in which staff and prisoners have the time and headspace to address the causes of re-offending". To combat violence and reinvigorate the reformatory potential of our failing prisons, the white paper openly returns to the rhetoric and ideas of the Victorian era (and before): moral reform, habituated virtues, industry, discipline and control. These principles are considered of such great importance because they reflect the government's understanding of the causes of violence in prison. It also points us towards a key (but misleading) assumption underscoring the reforms—that the problems confronting prisons, and especially prisoner physical violence, are the end result of a 'crisis of discipline'.

In the media coverage in the lead up to the publication of *Prison Safety and Reform*, POA General Secretary Steve Gillan highlighted the growing level of violence in prison and especially the remarkable increase in the number of recorded assaults against prison officers. He noted the POA "will not stand by and watch our members become punch bags on a daily basis" (cited in *Government Business* 2016). Various data has been presented to us as facts about the levels of prisoner violence against prison officers. These have been reproduced in the white paper (MoJ 2016: 40).

Prison safety has declined since 2012. Levels of total assaults across the prison estate and assaults on staff are the highest on record, and are continuing to rise. Comparing the 12 months to June 2016 with the calendar year 2012:

- total assaults in prisons increased by 64%;
- assaults on staff rose by 99%;
- the number of self-harm incidents increased by 57%

Leaving aside for one moment the problematic juxtaposition of prisoner self-harm with acts of interpersonal violence against other people, the figure of greatest significance here is the figure that there has been a 99% increase in assaults on ‘staff’ in the last 12 months. This has led to POA claims that the situation has deteriorated so significantly that prison officer lives are now at risk. The white paper has responded to this concern by calling for “a robust and swift response” to the rise in assaults. It also highlighted that killing a prison officer would result in a life sentence.

Schedule 21 to the Criminal Justice 2003—in which Parliament has set out guidelines for the courts on sentencing for murder—provides the starting point for the murder of a prison officer (like that of a police officer) in the course of their duty to be a whole-life order.

When we talk about violence against prison officers and their likelihood of being murdered by a prisoner, we need to consider this in the historical context, for this also provides an important example of the social construction of penal agnosis, that is, the focus on the extraordinary presented as the ‘ordinary’. Indeed, since 1850, only eight members of staff (and not all of these prison officers) have been killed in prisons in England and Wales. For at least the last 160 years, the role of the prison officer has been remarkably safe, at least from physical violence perpetrated by prisoners. In 1923, *The Stanhope Committee* compared the *fatal and serious accidents as a percentage of staffs in a representative year* across five occupations, finding that prisons were actually one of the safest places to work (Table 10.3).

**Table 10.3** Fatal and serious accidents and occupations in 1923

Occupation	Percentage
Railways	2.13
Miners and quarries	7.41
Factories and workshops	1.66
Metropolitan Police	10.87
Prison staff	1.97

The Stanhope Committee (1923)

This has not stopped the POA largely crying wolf about the threat of prisoner violence in the past. In 1954, at the annual conference of the POA, delegates passed a number of resolutions, noting the increasing threat of violence against them by prisoners and the importance of the Prison Commissioners (who at that time were the bureaucratic body with oversight for the prison estate) to protect prison officer safety and to punish prisoners more severely. Eleven years later, in 1965, prison officer Derek Lambert was killed at Portland borstal by a prisoner. It had been the first death of a prison officer since 1923 in England and Wales. It proved to be an isolated incident, and in the 53 years since the death of Derek Lambert, there has not been another murder of a prison officer (this is excluding the death of prison officers in the specific political context of Northern Ireland since the start of the troubles in 1969, where in the last 46 years, 31 prison officers have been killed). The reality of serious physical violence upon an officer by one or more prisoners is rare. In fact, there are many examples of prisoners going to the aid of officers in dangerous situations rather than using violence against them (see, for examples, recent testimonies in *Ward* 2017). Yet, the consistent dominant narrative about prisoners—and one which shows just how deep the deliberate social construction of ignorance has become—is that prisoners are a pathological danger to prison staff.

On the sixth of November, following disturbances at HMP Bedford, the POA were once again reasserting claims regarding prison staff numbers and prisoner violence. In another example of the process of ignorance construction (i.e. ignoring contrary evidence), the media accepted their claims without question. During the HMP Bedford disturbance, no prison officers were injured but, almost immediately, the POA made claims to the BBC and The Guardian that the disturbance was directly linked to the lack of frontline staff and provided further evidence that prisoners are starting to take control of prisons. In so doing, the POA ignored the fact that the largest prison disturbance in UK history, in April 1990, which involved 25 different prisons, occurred at a time when staff-prison ratios were at an all-time historical low. Prison disturbances are generated by people living in inhuman and degrading living conditions and facing denial of voice, prison officer brutality and being treated like animals. They certainly cannot be reduced to staffing levels alone.

The current focus of the white paper on prisoner assaults on prison officers and prisoner violence has presented data on the rate of such incidents in the last four to six years. Again, the hypothesis is that reducing prison officer numbers increases the dangerousness of prisons. This may well be the case, but the evidence currently presented by the Justice Secretary, the media and the POA does not actually do this. First, in the period from 2000–2009—that is before the reduction of prison officers, there was a 61% increase in the number of recorded assaults in prisons. The *2010 POA Annual Report* informs us that there were 2500 assaults annually on prison officers during a five-year period from 2004–2009 (POA 2010). Indeed, certain prisons in 2009 had extremely high levels of assaults on officers before the staff reductions, such as Hindley YOI, then the largest child prison in Europe, where that year there was a 967% increase in recorded assaults on staff (Independent Monitoring Board 2010).

In 2011, the POA noted that not only were assaults on prison officers by prisoners “subject to fluctuation” but that they were generally going down. It was also noted by the POA that in 2011, on average, one prison officer each week required hospital treatment following an assault by prisoners, indicating that there were 52 serious assaults a year on prison officers at that time (POA 2011). This evidence clearly does not fit the POA narrative of the prison as a place of danger, nor does the physical threat of violence by prisoners seem particularly large at this point. In 2011, the *Operational Highlight Report* section produced by the *Offender Safety, Rights & Responsibilities Group* (OSRRG) noted the following points: “The figures for assaults on staff are down, possibly explained by reporting inconsistencies, rather than a real reduction in numbers”. The POA later highlighted that no central records were held on the number of assaults on prison officers that were not prosecuted by the Crown Prosecution Service (CPS)

There are 2,800 assaults on POA members in England and Wales each year. A high proportion of those assaults are not reported to the police and the proportion that are, do not see support from the CPS. That scenario must change and change quickly. Assaults on our members are getting more and more serious. The National Executive Committee is on record as stating that our health and safety will never be allowed to be compromised in any circumstances.

Thus, on 17 April 2012, POA General Secretary Steve Gillan (2012) decided it was time to act to reverse the trend of a decline in recorded data on prison officer assaults. The final part of his message to members of the POA is reproduced at length below.

### **Always report assaults**

The POA will not allow it to treat our members as second class citizens. I accept the CPS may be under pressure to save money but we will not permit it to hide behind 'not in the public interest' just because the prisoner is already serving a sentence. POA members have human rights, they are not punch bags and prisoners and psychiatric patients held in secure hospitals should have no hiding place from the full weight of the law when it is broken, nor should they receive preferential treatment from the CPS. Where we find an injustice we will continue to hound the CPS until they get our message that an assault on as a POA member is very much in the public interest and should be pursued as such. If they are assaulted at work I urge all POA members to report the incident to the police and inform your local committee where the CPS do not prosecute, so that we in turn can turn our attention to the prosecutors in order that they are brought to task where they are abdicating their responsibility.

**Steve Gillan**

General Secretary

Prison officers have also allegedly been encouraged by the POA to seek medical assistance irrespective of obvious injury, the end result being that such incidents appear in recorded medical data sets. What we *do not know*—what is not actually indicated in such data—is the seriousness and harm of the recorded incidents. The apparently deliberate manipulation of data and information to suit the POA agenda therefore means we should treat such claims of evidence with considerable caution—as indeed should the UK 'Justice Secretary'.

The data on assaults on prison officers cited in the white paper is detailed only from 2012 onwards; that is, after the above identification of failing reporting practices among prison staff and very low data on prison officers attending hospitals outside of prison with injuries. The large statistical increases in the number of assaults on officers reported in the media should be understood within the context of the low and declining

numbers of prisoner assaults on prisoners prior to 2012 and a subsequent campaign to increase the reporting of incidents. A much longer time-frame is required to get a more accurate picture of the dangers posed to prison officers from prisoners. In light of the April 17 message from Steve Gillan, any data on prison officer assaults since 2012 should not be taken as an incontrovertible truth but rather subjected to the greatest of scrutiny. Such data certainly should not be adopted without question to inform penal policy.

In a further illustration of penal agnosis, what the POA has not called for in the last few years is for prisoners to 'always report assaults by prison officers'. There are considerable numbers of anecdotal accounts and published writings by prisoners, prison officers and other prison staff to indicate that prisons have always been places where physical assaults have been perpetrated by prison officers and prisoners. Official reports from the *Gladstone Report* of 1895 through to the *Woolf Report* of 1991 have received evidence testifying to prison officer brutality and investigative journalists, academics, activists and politicians have all recorded evidence of prison officers assaulting prisoners in the past. The latest scandal, at the Medway Secure Training Centre (*BBC Panorama*, 11 January 2016), even caught staff brutalising and assaulting child prisoners on camera. Recorded statistics, however, would indicate a significant under-reporting of such incidents. If prison violence is to be taken seriously, and if there is a genuine commitment to prevent those forms of violence that are likely to prevent prisoner rehabilitation, then one of the first policy initiatives should be the creation of safe opportunities for prisoners to report excessive force during control and restraint and other forms of physical and sexual violence perpetrated by prison officers. This means challenging the social construction of penal agnosis.

## **Carnage, Bloodbaths and Institutionally Structured Violence**

Ironically, there is evidence indicating that prisons really can be deadly for prison officers. This data, however, refers to the life expectancy of prison officers following retirement. At only 18 months, this is one of the

shortest life expectancy rates of all occupations. The process of penal agnosis narrows the definitions of violence and harm, thus perpetuating penological illiteracy. The harm and danger of the prison place then come not from violent and pathological prisoners, but from the prison place itself. The toxic and deadly fumes that prison creates are not restricted just to prison officers, but to those whose voice is generally not heard in the white paper *Prison Safety and Reform*—the prisoners. Whereas prison officers, and especially the POA, have been known to largely exclude from consideration the suffering, harm and death that prison systematically generates for prisoners, the current data on the self-inflicted deaths has been incorporated into the white paper narrative of pathological and violent prisoners blocking reductions in reoffending rates. *Prison Safety and Reform* notes that there were 119 self-inflicted deaths in prisons in 2016. It has also been reported that the number of attempted hangings rose from 580 in 2010 to 2023 in 2015; the number of attempted overdoses over the same period rose from 1414 to 2523 (*The Independent* 2016). In other words, in 2016, a prisoner attempts to take their own life in prison in England and Wales every five hours.

Between 2012 and 2013, self-inflicted deaths rose from 60 to 74—a 23% rise—and this number increased to 83 self-inflicted deaths in 2014. There were 242 deaths in total in prison in 2014, approximately one-third of which were self-inflicted. The picture was even worse in 2015—257 prisoners died this year, 89 of which were self-inflicted (Scott 2016a). Whilst this data appears to support the claims of *the white paper*, when placed in the historical context, the connection between prisoner deaths and prison officer staffing levels is much less clear.

Prisons have always been places characterised by violence, suffering and death. Prisons are places of institutionally-structured violence. Prisons are institutions which structurally deny human need and create harmful outcomes through their daily practices. As a result, death has always haunted the prison place. For example, from 1795 to 1829, 376 prisoners died in just one prison, Coldbath Fields, with an average of around 11 people dying every year (Sim 1990). In the 15 years from 1848–1863, 423 prisoners were officially recorded as dying in prison, an average of around 28 each year. At Chatham Convict Prison, 11 deaths were recorded in 1865 and a further 14 at the same institution the

following year in 1866 (Sim 1990). The first official report into self-inflicted deaths in prison took place in the 1870s, where it found that 91 official verdicts on prison 'suicides' over the seven-year period from 1873 to 1879 were recorded. There was not to be a follow-up study until 1911, where it was found that the deaths of 86 men and 9 women were officially recorded as suicides between 1902 and 1911 (Scott and Codd 2010). In 1913, Charles Goring's study *The English Convict* also provided statistical data on prison suicides. The most significant finding here was that the suicide rate amongst prisoners was over four times as great as that of the general population. Indicative of the low level of political significance given to the self-inflicted deaths of prisoners—and a further illustration of penal agnosia—it was over 60 years before the next major study of prison suicides was undertaken in the late 1970s. This study found that, on average, 13 people took their own lives every year in prison in the period 1958–1971 (Scott and Codd 2010).

Whilst there is evidence that the recorded rate of self-inflicted deaths in prisons in England and Wales was in a decline for much of the twentieth century, the officially recorded figure indicates that for the last four decades, the rate of self-inflicted deaths has risen substantially. In 1986, there were 21 recorded suicides in prison. The number of recorded 'suicides', however, leapt by over 100% in 1987 to 46. Official data show that there was another major incline of recorded self-inflicted deaths only seven years later, in 1994, when, for the first time, more than 60 deaths were recorded; and yet again, four years after that, in 1998, when data recorded the self-inflicted deaths in prison of more than 80 people. From 1994 to 2004, 804 prisoners were officially recorded as committing 'suicide' (Scott and Codd 2010).

There are, though, difficulties with making historical comparisons around the numbers of self-inflicted deaths. As noted above, the data records are patchy and very few reports on deaths of prisoners have ever been produced. Further, data prior to the 1990s refers only to those cases where there has been a suicide verdict from the coroner's court. This means that a hidden, but potentially very large, number of deaths of prisoners have not been recorded (Scott and Codd 2010). What the data appears to indicate, which, of course, should be considered as only a guide to possible trends, is that there is no obvious correlation between



a decline in the historical rates of self-inflicted deaths and rises in prison officers staffing levels. Death has always been present in prisons, but since the 1980s, there has been a notable increase in the number of recorded self-inflicted deaths of prisoners, something which predates the data cited in *Prison Safety and Reform* by a number of decades (INQUEST 2016). Indeed, looking at trends over the last four decades, what we find is that we have had record rates of *recorded self-inflicted deaths at the same time as there have been record high levels of prison officer-prisoner ratios*. What Liz Truss missed was that prisons have always been places of *harm and debilitation* rather than *safety and reform* (Scott 2016b). This is the 'big lie' at the heart of penal agnosis—to ensure that prisons continue, the public must remain ignorant about the total failure of prisons and illiterate about the deadly harms that prisons create on a daily basis.

## Contextualising the Past: Beyond Agnosis, Silencing and Denial

The above discussion has highlighted how current debates on prisons are "isolated in the present" (Mathiesen 2004: 42). This is, of course, a particular manipulation of the 'present' and the omission of certain evidence from the 'past' to manufacture ignorance. Barton and Brown (2015) have also observed how the past and present are manipulated to create penological illiteracy. However, they noted that harms and violence of the present can be ignored in favour of brutalised images of the past as means to show how modern humane and civilised prisons are today. This selective presentation of prison life to distort the hideous nature of prisons has been part of the defence of the 'reformed' prisons from the early 1800s onwards (Scott 2018). Penal agnosis, then, has a long and undistinguished history. This chapter has argued that the current penological 'common sense' unravels when staffing levels, prisoner violence and deaths in prison are located in a historical context. Rather than seeing the problem of violence and death as directly associated with low prison officer numbers, when placed in the historical context, it becomes clear that

the root of the problem is actually the structures of the prison place itself. The prison systematically generates harm, suffering and death. Penal agnosis is about hiding this terrible truth. Whereas the silencing of this critique through media and political debates informed by the POA interpretive framework point to solutions that focus on increasing staffing levels, when located in the historical context, the voice of the radical critic and prison abolitionist can be clearly heard. Prisons have been failed institutions for centuries and any excavation of their past points in only one direction: that they are ripe for abolition.

It seems to me that for the voice of the abolitionist to be heard and present an effective challenge to penal agnosis, four things need to be in place. First, academic abolitionists must recognise their ethical and political responsibility to step outside the classroom and directly engage and attempt to change the penal landscape. Teaching and publishing in journals are important, but the abolitionist voice should be heard outside of the academy. Second, and relatedly, academic abolitionists need to have a direct and concerted engagement with the media so as to question the current forms of penal agnosis and open the debate to a more nuanced and informed debate about penal realities. Penal agnosis prospers in times of penological illiteracy and so, public education campaigns are essential to challenge its insidious presence and abolitionists should be central to this. Third, there needs to be direct engagement by abolitionist academics with grassroots abolitionist social movements so that they can, via democratic engagement through meetings, demonstrations and activist publications, directly challenge penal agnosis through critically informed and yet understandable dialogue and debate. Academic abolitionists should share their knowledge and analytical insights (as well as time and energy) with activists in one common struggle against the production of penological ignorance. Fourth, abolitionist academics must not be 'silenced' within or outside the academy but prepared to take intellectual risks and to offer radically alternative policy suggestions of how we can deal with problematic, troublesome and wrongful human conduct in the here and now that operates beyond harm and institutionally structured violence systemic within the criminal process.

## Notes

1. Liz Truss was replaced as Justice Secretary by David Lidington in June 2017.
2. Thanks to Joe Sim, who initially highlighted this role of the POA in current debates.
3. The articles, however, were primarily derived from a search of every story in *The Guardian* 2016 "Prisons and Probation" website archive, unsurprisingly resulting in this newspaper having most articles in the study (33 articles).
4. There were 17 citations of the POA in November and December 2016, which is approximately half of the number across the whole year in the sample.
5. Although there is currently a clear coincidence of interests in highlighting the failed discipline in prisons, there still remains considerable tensions between the POA and the UK government. More than 10,000 prison officers have taken part at midnight on 15 November 2016. Prisons went into 'lockdown'—operating at skeletal staffing levels. The relationship between the government and POA has traditionally been one of hostility and mistrust—so much so that in 1992, a previous Conservative administration tried to abolish the POA.
6. This is a phrase is attributed to Joe Sim.

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