

Recycling Hatred: Racism(s) in Europe Today

A Dialogue between Academics,
Equality Experts and Civil Society Activists



ENAR Anti-Racism in Focus 1

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The European Network Against Racism (ENAR) stands up against racism and discrimination and advocates for equality and solidarity for all in Europe. We connect local and national anti-racist NGOs throughout Europe and act as an interface between our member organisations and the European institutions. We voice the concerns of ethnic and religious minorities in European and national policy debates. For more information on our work: www.enar-eu.org

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Authors' Descriptions¹

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Dr Chibo Onyeji, Chair of the European Network Against Racism (ENAR)

Dr Chibo Onyeji is a civil rights campaigner who has been active in the anti-discrimination movement for many years. He is a successful poet and writer and was awarded the 2007 Olaudah Equiano First Prize for fiction for his short story 'Escapegoat'. He holds a PhD from Texas A&M University. He was a Research Associate at the Centre for Advanced Decision Support for Water and Environmental Systems (CADSWES), the University of Colorado at Boulder, and Research Scholar at the International Institute for Applied Systems Analysis (IIASA), Laxenberg (Austria), working on the potential impacts of climate change on international agriculture and economy. He teaches courses on migration and the

¹ The order in listing the authors is in accordance with their location within this publication.

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Dr Mutuma Ruteere, United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

Dr Mutuma Ruteere has been serving as the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance since November 2011. He is Director of the Centre for Human Rights and Policy Studies, an independent research centre based in Nairobi, Kenya. He holds a PhD in political science with a specialisation in human rights. He has taught at universities in Kenya and other countries and has widely published on human rights issues, including criminal violence and policing, terrorism and counter-terrorism, civil wars and transitions, poverty and access to rights. He has advised state agencies, NGOs and private sector organisations on human rights. In his current work at the Centre for Human Rights and Policy Studies, he attempts to link theoretical research with policy making and innovation to address human rights problems.

Dr Peter Hervik, Professor in Migration, Aalborg University, Denmark

Dr Peter Hervik is professor in migration at the Centre for the Study of Migration and Diversity (CoMID) at Aalborg University in Denmark. He holds a PhD in Social Anthropology from the University of Copenhagen; an MPhil in International Migration and Ethnic Relations (IMER); and is an Associate Professor in the Department of Culture and Global Studies at Aalborg University. He has done research and written extensively on the Danish media coverage of ethnic and Islamic minority issues as well as on the social construction of Yucatec Mayan identity in Mexico and is author

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Ms Maleiha Malik studied law at the University of London and University of Oxford and is now a Professor in Law, teaching courses in Jurisprudence and Legal Theory, Discrimination Law and European Law to undergraduate and postgraduate students alike. She is a barrister and member and fellow of the Honourable Society of Gray's Inn. She has written extensively on discrimination law, minority protection and feminist theory and is co-author of a leading text entitled *Discrimination Law: Theory and Practice* (2008). Along with Dr Jon Wilson from the Department of History at KCL, she co-ordinates the AHRC project on 'Traditions in the Present', exploring the relevance of 'tradition' in contemporary societies. Her current research focuses on the intersection between sexual and cultural equality and explores adjustments that may need to be made to feminist theory to accommodate increasing cultural pluralism.

Dr Edie Friedman, Executive Director of the Jewish Council for Racial Equality, United Kingdom

Dr Edie Friedman was born in Chicago. A student in the 1960s, she was heavily influenced by the civil rights and peace movements. She came to England to study in Leeds and subsequently worked for Oxfam and the community relations council in Ealing, West London. In 1976 she founded the Jewish Council for Racial Equality (JCORE), of which she is now the director. In 2008 she co-authored *Reluctant Refuge - The Story of Asylum in Britain*. She has also authored and co-authored a series of race equality education resources covering the primary school to adult age ranges. She is a regular speaker and writer on race and asylum issues.

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Dr Philomena Essed has a PhD from the University of Amsterdam and an Honorary Doctorate from the University of Pretoria. She is professor of Critical Race, Gender and Leadership Studies for Antioch University's PhD in Leadership and Change programme and is an affiliated researcher for Utrecht University's Graduate Gender programme. Her research and teaching transcends national, cultural and disciplinary boundaries. Well known for introducing the concepts of everyday racism and gendered racism in the Netherlands and internationally, her work has been adopted and applied in a range of countries, including the US, Canada, South Africa, Sweden, Finland, Russia, the UK, Switzerland and Australia. She has lectured in many countries – from Germany to Brazil; from South Africa to Canada – and published numerous articles in English and in Dutch, some of which have been translated into French, German, Italian, Swedish and Portuguese.

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Ms Liz Fekete has worked at IRR for 29 years. She writes and speaks extensively on aspects of contemporary racism, refugee rights, far-right extremism and Islamophobia across Europe and is author of *A suitable enemy: racism, migration and Islamophobia in Europe* and *They Are Children Too: a study of Europe's deportation policies*. Liz was part of the CARF Collective, and an expert witness at the Basso Permanent People's Tribunal on asylum and the World Tribunal on Iraq. She is currently an associate of the International State Crime Initiative at King's College London. One of her most recent projects, *Alternative Voices on Integration in Europe*, foregrounded the work of youth groups and innovative anti-racist projects whose initiatives are largely ignored by the mainstream.

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Dr Sindre Bangstad is a Postdoctoral Fellow at the Department of Social Anthropology at the University of Oslo in Norway. Before this, he was a Junior Researcher at the Chr. Michelsen Institute (CMI) in Bergen, a PhD Research Fellow at the International Institute for the Study of Islam in the Modern World (ISIM), in Leiden, Netherlands, and Associate Professor in the Department of Social Sciences, Oslo University College (OUC). His research has covered a range of issues, including anthropology of secularism and secularity, Islam, Muslims in secular society, European Muslims, secularisation and re-Islamisation, sexual politics, Islamic feminism, Islam and human rights. His postdoctoral project is 'Reframing the Secular: Vernacular Concepts of the Secular Among Young Norwegian Muslims'. The project intends to study how young Norwegian men and women with a Muslim background, regardless of whether they are religious or not practicing, and across cultures, relate to Norwegian secularity and liberality of the time.

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Mr Bruce-Jones is a Lecturer in Law at Birkbeck College School of Law at the University of London, where he teaches EU law. He has been a Visiting Lecturer in Public International Law at the School of Law at King's College London since 2009, where he teaches international legal theory. He is a co-ordinator and comparative law expert on the nascent Oury Jalloh Independent Commission on Police Brutality in Germany as well as LGBTI Resource Contact for The Southern Refugee Legal Aid Network, part of Fahamu Networks for Social Justice. He is a non-resident doctoral researcher at the Institute for European Ethnology at Humboldt University of Berlin. He holds an undergraduate degree in Social Anthropology and Afro-American Studies from Harvard University (AB) and advanced degrees from King's College London (LLM in Public International Law), Columbia University School of Law (JD) and Humboldt University of Berlin (MA in Social Anthropology).

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Dr Paul Iganski is a Senior Lecturer in Social Justice at Lancaster University. He researches, writes and teaches on hate crime and is the co-ordinator of The Hate Crime Research Group. His books include *Hate Crime and the City* (2008) and edited collections *The Hate Debate* (2002) and *The Consequences of Hate Crime* (2009). He recently co-ordinated, along with Lancaster University colleague David Smith, an international study on the *Rehabilitation of Hate Crime Offenders* (2011), commissioned and published by the Equality and Human Rights Commission (Scotland). He also authored a comparative study on racist violence, entitled *Racist Violence in Europe*, commissioned and published by the European Network Against Racism (ENAR) in 2011.

Mr Dick Houtzager, Commissioner, Netherlands Institute for Human Rights, The Netherlands

Mr Dick Houtzager was trained as a lawyer in the Netherlands and currently works as Commissioner at the Netherlands Institute for Human Rights in Utrecht. In this position he investigates and gives opinions on individual discrimination complaints. Until 2010, he worked as a legal policy officer at Art.1, the Dutch specialised centre on anti-racism and discrimination issues. In that capacity, he took part in several EU-supported training projects and was involved in a number of ENAR activities.

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Mr Ibrahim Akrouh studied law at the University of Brussels and is an Attorney at Law at the Bar of Brussels. He is specialised in human rights and religious freedom in particular. He has worked as a legal advisor at the Movement against Racism, Anti-Semitism and Xenophobia (MRAX) in Belgium and is currently a Board member of the organisation. He has also conducted research on

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Mr Marwan Muhammad, Spokesperson of the Collective Against Islamophobia in France (CCIF)

Mr Marwan Muhammad is a French author and spokesperson for the Collective Against Islamophobia in France (Collectif Contre l'Islamophobie en France, CCIF). Ex-trader and statistician by training, he has written extensively on the use of data for social sciences, especially in the context of discrimination and anti-terrorism policies. He is frequently invited by universities and international/European organisations (OSCE, ENAR, OCI, etc.) for his expertise on the use of personal data and ethnic/religious profiling.

Dr Aryeh Neier, President Emeritus of the Open Society Foundations

Dr Aryeh Neier is President Emeritus of the Open Society Foundations and was President from 1993 to 2012. Before that, he served for 12 years as Executive Director of Human Rights Watch, of which he was a founder in 1978. He worked 15 years at the American Civil Liberties Union, including eight years as National Executive Director. He served as an adjunct professor of law at New York University for more than a dozen years, and has also taught at Georgetown University Law School and the University of Siena (Italy). In the fall of 2012, he served as Distinguished Visiting Professor at the Paris School of International Affairs of Sciences Po and is a frequent contributor to the *New York Review of Books*. He has published in periodicals such as the *New York Times Magazine*, the *New York Times Book Review*, and *Foreign Policy*. For a dozen years he wrote a column on human rights for *The Nation* and has contributed more than 200 op-ed articles in a variety of renowned newspapers. He is also author of numerous chapter publications

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Mr David Mark is a Roma activist and was previously a Roma Initiatives fellow for the Open Society Foundations. He was also the co-ordinator of the European Roma Policy Coalition (ERPC), which is an informal coalition of non-governmental organisations operating at EU level on issues of human rights, anti-discrimination, anti-racism, social inclusion, and Roma and Travellers' rights. Previously, he held the positions of Executive Director of the Roma Civic Alliance of Romania (ACRR) and member of staff in the cabinet of Member of the European Parliament, Viktoria Mohacsi.

Mr Nick Lowles, Director, HOPE not Hate, United Kingdom

Mr Nick Lowles was the Chief Executive of Searchlight and Editor of Searchlight magazine. For many years he was an investigative journalist, working on TV programmes, such as The Cook Report, World in Action, Panorama and MacIntyre Undercover. He has written many books, including *White Riot: The Violent Story of Combat 18* and *Mr Evil: The Secret Life of Racist Bomber and Killer David Copeland*. He has lectured on far-right politics, nationalism, and community campaigns across Britain, Europe and North America. He is now involved in the HOPE not Hate Movement, which fights racism and xenophobia in the UK. It was formed in 2005 and has the support of the Daily Mirror, trade unions, celebrities and community groups across the country.

Dr Andreas Hieronymus, iMiR (Institute Researching Migration and Racism), Germany and the Northern Region Representative of the European Network Against Racism (ENAR)

Before studying sociology, history and political science in Freiburg, Hamburg and Istanbul, Dr Andreas Hieronymus worked for two years in the Republic of Ireland. He is currently working as a researcher and scientific journalist and is active in the Institute Researching Migration and Racism (iMiR) in Hamburg, Germany. His research focuses on methodological questions of qualitative-heuristic fieldwork and processes of in- and exclusion in identity formations. For 11 years he was the director of the iMiR. In 2009/2010 he worked for the Ministry of Justice in Hamburg in the Equality and Anti-discrimination Unit. In the Gender Unit he developed the thematic field of masculinities. Since 2011 he has been working as a freelance scientific journalist, researcher and diversity trainer in the field of diversity change management. He has been active in the European Network Against Racism (ENAR) since its foundation in 1998 and has been the Board member for Germany (Netz gegen Rassismus) since 2007 and representative for the Northern Region in the Bureau of ENAR. He was re-elected in December 2010 for a second term.

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Preface

By Shannon Pfohman

This publication aims to bring together various discussions between academics, equality experts, activists, policy makers, and foundation representatives, who participated in the ENAR/OSF symposium on the Varieties of European Racism(s) in Brussels on 27-28 September 2012. With the motto ‘only together will we be strong’, multiple stakeholders convened to reflect various understandings of racism and ways to influence public sentiment and bring about structural changes to achieve inclusive societies and ensure equality for all.

The symposium thus enabled a platform to discuss new and different forms of racism and to reflect whether distinctive experiences of racism can be linked to particular minority populations. It also shed light on the structural and ideological aspects driving racism and hate on the ground in the different European Member States. Participants shared research outputs, personal testimonies, and examples from the different national contexts, bringing forward evidence of the varieties of European racism(s). The symposium additionally enabled a platform to address the interconnections between institutional racism (structures and laws that legislate for exclusion) and popular racist culture, as well as the role of state actors and civil society in countering this. By the end, strategies for improving measures to combat racism on the ground were collected, including approaches for mobilising civil society and for changing racist and xenophobic attitudes.

The symposium was divided into four sessions, each using the ‘fishbowl’ methodology to foster dynamic and active participation

among all the participants.² The first session ‘Old racism, new contexts?’ set the stage for the two-day debate by considering the language and terminology used when discussing racism and the importance of historical and national contexts with each example of racism brought forward. This debate overlapped with the second session, which explored the ‘Manifestations of new emerging forms of racism in various European contexts’.

In both sessions, participants explored to what extent racism affects specific minority communities, why some minorities feel more targeted and more greatly persecuted than others, and why some have acquired greater state and societal recognition leading to their collective concerns being put on the political agenda. In the third session, ‘Holding states to account and the role of the civil society’, many examples of structural discrimination and the failure of the state to enforce protective measures or ensure access to justice to victims of racism and discrimination were brought forward and debated heatedly. The fourth session ‘Bringing it altogether – influencing racist and xenophobic attitudes’ inspired participants to reflect concrete practices and strategies to mobilise and counter racism in Europe by targeting various actors, such as policy makers, the media, civil society, and minorities themselves. After the symposium, all those who participated were invited to reflect on the lessons learned, and to update and expand on their contributions. The idea was to bring these together in a collection of essays that would be made available via a post-symposium publication. What follows touches on some of the themes addressed at the symposium, introduces its authors, and lays out the structure of the publication.

2 Fishbowls involve a small group of people seated in an inner circle, having a conversation in full view of a larger group of listeners, who are seated in an external circle. Each session started with a preliminary question to the speakers to launch the debate. The idea was to avoid long presentations, allowing 2-3 minutes per speaker, per question. The discussion was then extended to visitors (i.e. others from the audience), so they could take part quickly and directly in the debate. At any time any member of the audience could occupy one of the empty chairs to join the fishbowl. The moderator set the time limit for how long each person could occupy the visitor’s chair. The aim of the fishbowl process was to provide a creative way to include the ‘audience’ in the small group discussion.

The publication begins with the speech of **Chibo Onyeji**, Chair of the European Network Against Racism (ENAR), who welcomed the symposium participants and expressed his enthusiasm that so many dedicated experts on countering racism were able to come together to discuss and examine the varieties of European racism(s). At the same time, he admitted feeling sadness about the necessity of convening such a symposium at this point in the civilisational history of Europe, as progress in ensuring equality for all over time has been slow. Given that persecution has been a part of European history for a thousand years, the capacity of political actors to effect change can be limited.

This follows by the speech presented by **Mutuma Ruteere**, United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, who provides an essential overview of the current European context as regards racism, xenophobia and related intolerance. In addition to identifying various targeted communities, including Roma, Muslim, and Jewish communities, non-citizens (migrants, asylum seekers, refugees and irregular migrants) suffering from racism and xenophobia in Europe, Mutuma Ruteere also reflects on the role of state actors and civil society in countering racism and ensuring access to justice.

European racism has been cyclical, characterised by an ebb and flow of persecution when society shows remorse in the aftermath of some atrocities. Racism in Europe has also been dependent on the dehumanisation of its victims. If we understand how this process works, we increase our ability to recognise and respond to it. In this vein, **Peter Hervik**, Professor in Migration Studies, Aalborg University, provides an explanation of racism by contextualising it historically and politically over time. The idea of ‘race’ was thought to represent a category with natural boundaries, but according to his explanation it was later argued to be a social construction attached with phenotypical variation. Neo-racism has meanwhile emerged

as a contemporary label to categorise different populations according to attributes of 'culture', 'ethnicity' and 'difference' instead of 'race' for similar almost invariable traits.

Maleiha Malik, Professor in Law, King's College London, adds to the conceptual understanding of European racism(s) by considering the past in order to understand the present, and also aspiring towards an optimistic future. Borrowing from the historian R. I. Moore, she undertakes an exploratory discussion, questioning whether there is a European 'model of persecution'. Persecution is a permanent and omnipresent feature of the fabric of European society. Victims of European persecution in the West are, for all practical purposes, interchangeable with one another. Persecution is not an ad hoc event or limited to socio-economic factors. Rather it is a structural problem and a permanent feature of European self-definition. She thus emphasises the significance of finding a common experience to unite groups within society, without homogenising persecution or victimhood.

Edie Friedman, Executive Director of the Jewish Council for Racial Equality in the United Kingdom, also notes the importance of considering the past to understand and interpret the present. She additionally reminds us of the importance of contextualising each situation according to the different national contexts. After listing important and influential historical incidents that altered the lives and positions of the Jewish population in the UK, she raises questions in her essay about the baggage associated with belonging to a persecuted minority and the challenges associated with not falling into victimhood despite being victimised.

One oft-proposed solution is solidarity among and between persecuted groups, whereby the Muslim community should speak out if the Jewish community is under attack or if the African community is under attack and vice versa. At the symposium, some regional variations in the readiness of different groups to stand in solidarity

with one another emerged. The UK was highlighted, for instance, as a positive example in this regard. Yet, some minority groups feel their efforts are not being reciprocated. It was noted in particular that such solidarity is often denied to members of the Black community. One participant argued from the Swedish perspective that the lasting repercussions of Europe's legacy of the slave trade, robbing the African continent of its resources and of humiliating and enslaving Black people is virtually ignored today, while the lingering problem of serious anti-Black racism remains invisible.

Another participant, **Philomena Essed**, Professor of Critical Race, Gender & Leadership Studies, University of Antioch (US), takes up this issue in her essay by providing a number of examples in which racism has been legitimised. She provides, for instance, an account of the Dutch tradition of the 'Zwarte Piet' figure, or Black Pete, who appears year after year in the Netherlands with the advent of the Christmas season. Another example of racism that has been legitimised is the novel 'Only Decent people' (2008), which centred on a protagonist's difficulty in finding an intelligent Black woman. The book was awarded a literary prize in the Netherlands and has sold over 30,000 copies. Veiled racism towards minorities is often presented as a right falling under the protection of freedom of expression. This, Philomena Essed refers to as 'entitlement racism', whereby the individual has the right not only to self-expression but also to offend.

The value of freedom of expression has meanwhile been used rather strategically by some. Outspoken, far-right politician Geert Wilders, for instance, has frequently called for a first amendment style protection in Europe. Another example is when the Foreign Minister of Romania stated in 2009 openly during a meeting with French ministers that the Roma had a physiological problem that predisposed them to criminality. In Hungary and elsewhere, extremist groups are winning electoral support on the back of anti-Roma and anti-Semitic programmes. Clearly, the legal framework in place is not

effective compared with the level of virulence of anti-Roma sentiment, as public figures expressing anti-Roma sentiments rarely face any ramifications. Those asserting racist opinions are often deemed brave or merely expressing what others are thinking in defiance of 'fussy' rules of political correctness. By avoiding overt racism and instead referring to culture or religion, the speaker can claim that he/she is not opposed to a race but to an ideology. Indeed, such is the insistence that the speaker is not racist that in some countries, individuals accused of racism have even been successful in counter-suing for libel or slander.

The clothing of racism in cherished liberal values has meanwhile also inspired alarming reactions. The extent to which the far right and far left have managed to tap into mainstream concerns is striking; Muslims and other groups have been presented as threats to the welfare state, and gender equality, gay rights and freedom of expression have come under attack, gaining currency in mainstream politics. While the far right attacks migrants and minorities, accusing them of posing a threat to national identity, the mainstream, including some of the left, portrays the same groups as threats to gender equality and secularism.

Racism towards Arabs in France, for instance, has been framed in terms of resistance to the threat that Muslims pose to national values such as the separation between religion and state. The leftist parties cast Islam as a threat to the sacred principle of 'laïcité' whilst the right presents Islam as a threat to the French way of life. The French Minister of Interior proposed expelling Muslims who do not adapt to French culture, with the implication that French culture is something which excludes Islam. In other Member States as well there has been a resurgence of nationalism.

With the increasing criminalisation of migrants, the use of detention for immigrant continues, entailing serious and worrying human rights violations. However, protection is often denied to these

vulnerable groups, as many states reserve full protections to their own citizens. The hardships encountered by some immigrants today – including indefinite administrative detention, police brutality and lack of legal redress – are a disgrace to Europe’s supposed values of freedom and dignity. In an era of mass movement, when ‘national identity’ and ‘national values’ are ever more fluid and contestable, fear and uncertainty are projected onto minorities, migrants and anyone else who can be labelled as ‘other’. Muslim women, for instance, have been portrayed as victims of a misogynistic culture with the conclusion that opposition to the supposed ‘Islamisation’ of Europe is an uncontroversial consequence of belief in gender equality. Recent evolution in the perception of Muslim women is telling. Since the 1980s, Muslim women have been perceived as victims who have been forced to wear the hijab. Hence, dominant European society has tried to ‘rescue’ Muslim women, offering liberation from their perceived oppression. The Collective Against Islamophobia in France (CCIF) reports that over 85% of hate crimes against Muslims in France target women. These same women who are routinely insulted and spat at in the street are the women who Europe claims it wants to ‘save’ by prohibiting full facial veils in public and headscarves in schools. Clearly, aspects of gender equality have also been manipulated to serve the needs of racist rhetoric.

The net effect of the absence of counter arguments is that contemporary racism has gained a veneer of respectability and intellectual defensibility as it becomes normalised and legitimised. **Liz Fekete**, Executive Director of the Institute of Race Relations writes in her essay about a new common sense racism built on an ideology of white victimhood or reverse racism.

Hatred towards persecuted groups is often defended on the grounds that they pose a threat to ‘our’ national identity or to European values. **Sindre Bangstad**, Social Anthropologist at the University of Oslo, provides an overview of racism and xenophobia from a Norwegian perspective. While acknowledging that the mobilising

potential of extreme right-wingers in Norway is quite limited, he nonetheless believes that the main threat to minorities' rights to dignity and equality in Norway is contingent upon the populist right-wing (and other) political mainstream formations that legitimise nativism and xenophobia.

The focus in section 2 is on 'Holding states to account and the role of civil society'. Striking examples of state racism were discussed during the symposium, particularly in relation to the attitudes and policies of the police. For instance, a demonstration was planned in Brussels over a visit by Israeli politician Tzipi Livni. Police controlling the demonstration were given instructions to eject all persons with an Arab-Muslim profile from the area, regardless of their participation in the protest. Another example is the judicial inquiry into the murder of Stephen Lawrence in 1993, which led to official recognition of widespread institutional racism within the police force as well as within other public institutions in the UK, such as the health services. More recently, in August 2011 the shooting dead of a young Black man, Mark Duggan, by the police in Tottenham, London was followed by four days of rioting across England and led to renewed questions about institutionalised racism within policing.

Another prime example is the death in police custody of Oury Jallow, a 36-year old man of African descent in Germany, which **Eddie Bruce-Jones** from Birkbeck College School of Law in London addresses in his essay. He explains that Jallow burned to death in police custody while chained by his hands and feet to a mattress. The police turned off the smoke alarm twice and then claimed to have forgotten where the fire extinguisher was kept. Reaction to allegations of racism within the police and other public authorities reveal a deep reluctance within our societies to acknowledge the inadequacy of our legal framework to protect vulnerable groups and a widespread refusal to recognise institutional and structural racism. Activists who continue to call for answers concerning the death of Oury Jallow have been repressed by the state; planned

demonstrations in Dessau were curbed by the police, flyers were confiscated and one protester was hospitalised as a result of police brutality.

Also in Germany, an academic who sought to raise questions relating to institutional neglect and racial profiling in the case of Marwa El Sherbini was prosecuted (and subsequently acquitted) for slander. Egyptian pharmacist Marwa El Sherbini was stabbed to death in a Dresden courtroom by a man, who had been taken to court for abusing her racially. Her husband was struggling with the killer when a police officer arrived on the scene. Mistaking Elwi Ali Oka for the assailant, the police officer shot and seriously wounded the husband. It was for questioning whether the decision to shoot could have been informed by media frameworks that perpetuate racism that Dr Sabine Schiffer found herself prosecuted for slander.

Denial of the structural weaknesses of our legal frameworks is also reflected in the refusal of many European states to take action to protect human rights defenders. Indeed, many human rights activists find themselves harassed by authorities of European states. In Cyprus, prominent members of the human rights NGO KISA (Action for Equality, Support, Antiracism) have faced prosecution while trying to pursue their activities. On one occasion the director of KISA was charged with disturbing public peace after complaining about the treatment received by a migrant woman from the police in her effort to seek protection from violence.

In order to analyse racism, one often has to enter into the brains of the discriminator and try to reconstitute the categories he or she is using. One major challenge is to identify what kind of policies actually contribute to racist thinking. So pervasive are the hints of racism embedded in our social structure that they often go unnoticed. **Paul Iganski**, Senior Lecturer in Social Justice at the University of Lancaster reaffirms the important role NGOs often play in trying to fill structural gaps by providing much needed support and

advocacy for victims of racist crime. This is because many victims do not receive an appropriate response from criminal justice agencies in many states despite the 2008 European Council Framework Decision on ‘combating forms and expressions of racism and xenophobia by means of criminal law’. He explains in his essay that the Framework Decision wields greater punishment to offenders of racist crime and acknowledges the greater hurts inflicted by racist crime when compared with otherwise identical crime that occurs for another reason than the victim’s skin colour or some other characteristic of their identity. Paul Iganski also raises attention to structural deficits to provide support not only to victims of racism but also to offenders, something Mutuma Ruteere had referred to as ‘preventative measures’, and added were needed.

Clearly, the situation on the ground varies significantly from one context to the next. In many countries, legal and structural problems prevent organisations from joining forces, while a number of countries lack provisions for victim support, complaints mechanisms and adequate redress – breeding a culture of impunity. **Dick Houtzager’s** contribution looks into the role of equality bodies in influencing racist and xenophobic attitudes in the European Union. He writes from the perspective of the Netherlands Institute for Human Rights, the Dutch equality body, and describes the opportunities equality bodies in Europe have to influence racism and xenophobia. He also identifies a number of challenges equality bodies continue to face, such as limits in their mandate to act against public hate speech or only in the areas determined by the Racial Equality Directive. He further touches on the need to raise awareness among the public of (potential) victims’ rights and to ensure their access to justice throughout the entire proceedings.

Legal redress and protection for victims is extremely limited. A minority of victims of racist crime report their experiences to the police due to a belief that they will not be taken seriously or that if their report is taken seriously, it won’t be dealt with in a sensitive

manner. It is also extremely difficult to prove to a legal standard that practices of racial profiling, for instance, have occurred. Stop and search practices often involve no follow up and no paper work. Many countries do not have a specific provision prohibiting discrimination in police practices. While the Racial Equality Directive has taken an important step through reversing the burden of proof in discrimination cases, its scope is very limited.

In addition, the law is by its nature of limited use in capturing and responding to the distinctive harms caused by racial hatred and discrimination. Many of the legal systems of Europe are based on ideas which are inimical to the recognition of multiple voices and experiences within society. A number of continental legal systems are historically based on the idea of the judge as the ‘mouth of the law’; that he or she is applying a syllogism based on pure logic. **Ibrahim Akrouh**, lawyer specialised in the rights of religious minorities and fundamental rights, and member of the MRAX (movement Against Racism, Anti-Semitism and Xenophobia (an ENAR Belgium member) raises this issue in his essay. This lingering denial of the influence of personal prejudice and socio-economic power structures on the outcome of decisions compounds the inability of the law to speak to those most in need of its help. The Anglo-Saxon legal tradition is built around the imagined behaviour of the ‘reasonable man’. In practice the reasonable man is a proxy for ‘white middle-class man’ and is thus intrinsically tied to institutional privilege. It imagines a rational actor who has not lived through humiliation, poverty or systemic discrimination. Concerns about the inability of law to recognise the struggles of those in need are deepened by the fact that the legal profession itself is overwhelmingly white and privileged. Finally, the presentation of evidence before trial relies on the use of paradigm cases. The translation of an individual’s experiences into the paradigm case imagined by the legal system can mean that a litigant may only succeed at the expense of being able to tell his or her own story.

Marwan Muhammad, spokesperson for the Collective Against Islamophobia in France raises important questions in his essay on the quantification of prejudice, in which he argues the significance of having both quantitative as well as qualitative data as a basis for determining new policies and legislation, which is imperative due to the subjective nature of prejudice. In this vein, he also raises attention to calculating and including ‘non-events’ when devising policies and measuring impact. One such ‘non-event’ might be a mosque that is not allowed to be built due to a racialised climate.

Civil society has a vital role to play in challenging the racism which is embedded in the architecture of our states. The law and state institutions have too often been the handmaidens of privilege and, by extension, of white privilege. Legal provisions and institutions which do not specifically examine their impact upon traditionally disadvantaged groups risk solidifying power relations already existent in society. This finds its greatest expression in the claim that equality and inclusiveness are best served through legal provisions which apply to all, rather than tailoring in the light of the needs of each subgroup. In doing so, this denies recognition to those who already suffer from society’s structural inequalities. In cherishing formal equality, our societies limit their capacity to make such equality meaningful.

Following the negative tone linking the structural and institutional racism presented in section 2, section 3 focuses on: ‘Bringing it all together – influencing racist and xenophobic attitudes’ and aims to provide a more positive outlook. This section begins with the speech of **Aryeh Neier**, President Emeritus of the Open Society Foundations. His contribution stressed that we need legal efforts, community actions, interracial contact, education, and the mobilisation of civil society and of racial minorities themselves to influence racist and xenophobic attitudes and to advance the anti-racist agenda. He encourages the

use of methods such as affirmative action to achieve this aim. Conceding that some affirmative action approaches are more effective than others, he warns of the potential backlash among mainstream populations in cases where more direct forms of affirmative action are applied to admit less privileged communities to certain institutional structures.

In addition to positive duties and affirmative action, social movements are also integral to bringing about societal changes. For instance, well-organised and militant social movements with a clear ambition to transform society – such as the feminist movement, the Civil Rights movement or the workers’ movement – have succeeded in effecting great societal change. Many of today’s social policies were the result of these movements. One solution to the challenge of racism today is increased structure and focus within civil society. We must demonstrate political consistency in order to achieve political power. It is imperative that we show politicians that they have much to lose if they scapegoat vulnerable groups. **David Mark**, previously Secretary-General of the Civic Democratic Alliance of Roma in Romania, recognises this and provides a four-step strategy to mobilising Roma in Romania to bring about their active inclusion in society.

Since racist ideas and identities are generally not fixed, gradual change is best achievable at local level. It is important to be non-judgmental and avoid moralising when engaging with hard to reach communities. It is also important to bring these groups to the table and to try to understand their victim mentality. As most people do not consider themselves to be racist, it is more effective to identify racist or discriminatory behaviour than to try to convince individuals that they are racist. An outright accusation of racism will put racists on the defensive and impede possible progress. It must also be borne in mind that not everyone who votes for a far-right party is an outright racist.

Nick Lowles, Director of HOPE not Hate, provides concrete examples of campaigning activities his organisation developed, refined and further refined in the UK to combat the racist, xenophobic and hateful discourses propagated by the far right that spread to the mainstream conservative voters. By taking a local approach, framed in evidence-based research, the HOPE not hate campaign began with a deliberate attempt to portray a more positive and less threatening image that worked better with voters. It is important to try to understand and engage with the impact of ‘cultural loss’ in communities. For instance, in Britain, there seems to be a direct correlation with the popularity of the British National Party and the collapse of towns and identities where there used to be car industries etc. This sense of cultural loss is what the radical right are good at exploiting. In order to combat this we need to focus more on the role of identity and develop a new sense of shared belonging. Change can happen very quickly if we succeed in changing the local mood by pushing extremists to the outside and debunking their lies.

Andreas Hieronymus of IMiR (Institute Researching Migration and Racism) and ENAR’s Northern Region Representative, summarises in his essay the main points brought forward from the symposium in an analytical overview. In doing this, he also links the discussions with ENAR’s progressive narrative on equality and diversity and stresses the need to join forces to mobilise in resistance to the structures that perpetuate racist power relations. The present lack of a positive narrative for European identity is an obstacle to effectively engaging with the fears that drive Europeans to extremist and populist behaviour and thinking, which is why we need a constructive narrative that ties us all together.

Finally in section 4: ‘Conclusions and way forward’, **Emma McCarron** and **Shannon Pfohman** of ENAR provide a final conclusion to the publication and link the symposium outcomes with ENAR’s future advocacy and policy strategy.

Welcome and Introductory Remarks

By Dr Chibo Onyeji

Good afternoon Ladies and Gentlemen,

It is with a mixture of pleasure and sadness that I welcome you all today to this symposium organised with the support and collaboration of the Open Society Foundations. I welcome you with pleasure because the idea to discuss and examine the varieties of European racism(s) is encouraging. But I also welcome you with some sadness: the mere fact that it is necessary to convene such a conference at this point in the civilisational history of Europe is extremely sad.

Over the years, annual Shadow Reports of the European Network Against Racism (ENAR) have consistently pointed to a rising trend in old racist behaviours and new manifestations of racism in the European Union. As a network concerned with the rights of all minorities — ethnic, religious and others — ENAR has watched and reported these ugly developments with great concern and condemnation.

The hopes inspired by the landmark Directives of the year 2000, the Racial Equality Directive and the Employment Equality Directive, would appear to be short-lived. For although the Directives have long been transposed into the laws of Member States, and in spite of the transposition, migrants and ethnic and religious minority individuals have not ceased to experience racism and new forms of discrimination throughout the European Union. Obviously effective legislation is necessary, but alone is not sufficient. Even if the proposed Horizontal Directive, which was supposed to bridge the gaps in the existing laws, were adopted in its original, better form, we know from experience that it is not likely to change things overnight. But it is

extremely necessary to have. The European Union should be a little more forthcoming in its response to the monsters of racism and discrimination.

The attention of the EU political agenda on the well-known racism and discrimination against the Roma, one of the oldest minority groups in Europe, and by all accounts the most-discriminated against, has not translated into concrete results in terms of substantial improvements in the lives and conditions of the Roma in the European Union. We have not seen much progress in the condition of Muslims who, since 9/11, have been encountering systematic victimisation under the guise of security interests of the state. Africans and people of African descent, who are by all means Europeans, are likewise certainly not spared the wrath of racism. Anti-Semitism is also on the rise, as is anti-immigrant hostility. Discrimination against women is a variety of the same madness. Other vulnerable groups include the disabled, the elderly, LGBT groups and so on; these are also not spared the wrath of discrimination. Populist rhetoric about minority groups is on the rise and causing a breakdown in solidarity in society and among various groups.

Recent events across Europe have drawn attention to the failure of the police, intelligence and criminal justice systems to protect refugees, the Roma, Jewish and Muslim communities, and others from racist hate crimes, including murder, arson and incitement to racial hatred. Police brutality against individuals in detention and the practice of ethnic/racial profiling continue to raise serious concerns about real justice. As if all of these were not enough, human rights defenders have come under attack more recently, and not, as you might think, by radical groups, but in some cases, even by the state. ENAR thus seeks to examine these and other examples of institutionalised and state racism, in order to obtain a clearer understanding and so be better able to develop appropriate policy recommendations, and to steer our advocacy agenda forward.

Beyond raising awareness and outlining the varieties of European racism(s) and the different victim groups, ENAR also seeks through this symposium to examine the commonalities between what we may call the ‘ancient’ and ‘modern’ forms of racism, including institutionalised discrimination. Such an examination should enable us to define and develop more effective policies for combating racism.

As an anti-racism network, ENAR understands that it must intervene when social constructs are used to reaffirm, propagate and secure inequalities. For racism is nothing other than a fabricated, senseless, mindless, disgusting and cowardly scheme for negotiating power. It’s all about power: economic power, political power, social power. And, of course, those who have power are usually unwilling to share it and will do everything including manufacture new forms of racism to maintain the power.

I very much hope you enjoy this symposium and would like to especially and sincerely thank all the experts who have taken their time to join us today to contribute to this discussion. In addition, our sincere gratitude goes to the European Commission and Open Society Foundations for their financial support of our work.

Thank you very much for your attention.

Keynote Speech on Race, Culture, and Religion within Contemporary Forms of Racism

By Dr Mutuma Ruteere

Ladies and Gentlemen,

It is an honour to speak to you in my capacity as Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, and to engage in a dialogue with different actors on the current challenges that Europe faces with regard to racism, racial discrimination, xenophobia and related intolerance.

Since the creation of the mandate in 1993, eleven country visits have been undertaken by the different mandate holders in various European countries, including Hungary, Germany, Lithuania, Latvia, Estonia, Italy, Switzerland, Czech Republic, Romania, the United Kingdom of Great Britain and Northern Ireland, and France.³ The reports of country visits carried out by my predecessors in Europe, and the recent thematic reports that I presented to the Human Rights Council in June, show that racism is still a major challenge in Europe. I would like to highlight some of these challenges and put forward a number of recommendations that I hope would be considered while implementing strategies to combat racism and racial discrimination at the European level.

The Roma and related persons, including for instance Sinti, Kale, Irish Travellers, French gens du voyage, Ashkali, are among the

³ Hungary (May 2011 and September 1999); Germany (June 2009 and September 1995); Lithuania (September 2007); Latvia (September 2007); Estonia (September 2007); Italy (October 2006); Switzerland (January 2006); Czech Republic (September 1999); Romania (September 1999); United Kingdom of Great Britain and Northern Ireland (November 1995); France (October 1995).

most marginalised groups in Europe and are often victims of racism and racial discrimination. Since the establishment of the mandate on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, all three mandate holders have considered this issue. As highlighted by my predecessors, the situation of the Roma has spurred a number of European countries to develop valuable initiatives at the national level, including the adoption of national action plans and strategies on the Roma. Commendable policy measures have also been elaborated at regional level, including by the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE). In this regard I would like to welcome in particular the EU Framework for National Roma Integration Strategies, the adoption of the Common Basic principles on Roma Inclusion (2009), and the national strategies (2011) which were presented by Member States early 2012.

However, while positive initiatives have been developed, deep rooted problems of racism, racial discrimination, xenophobia and intolerance against Roma populations in Europe persist. Indeed, the Roma are particularly vulnerable to racism and racial discrimination in the areas of education, health, employment, housing, participation in public and political life, and access to justice and citizenship. As stated by my predecessor, the widespread discrimination that the Roma face feeds their marginalisation and social exclusion in a vicious manner. For the most vulnerable, the situation can even be worse. This is the case, in particular, for Roma children, Roma women who suffer multiple forms of discrimination, and Roma migrants who face double discrimination as Roma and as non-citizens. Moreover they are victims of violence both by private and public actors, and racist discourse against them by public officials persists. In this regard the harassment and attacks on the Roma by ‘vigilante’ groups or ‘self-defence guards’ with extremist ideologies, including sometimes neo-Nazi ideology, and marches by paramilitary groups in underdeveloped settlements inhabited by Roma are of great concern in Europe.

I would like to recall, like my predecessor, that racial discrimination and racism against Roma within societal structures and state institutions is a reality that states should not deny. The structural and institutionalised discrimination they encounter should be decisively tackled. In this regard, it is essential that European countries ensure the effective implementation of the national strategies adopted to address the situation of the Roma. While some national strategies have proven effective in some countries, others still lack specific budgets for their implementation, and civil society actors are not always involved in such processes. I therefore urge European states to increase efforts in this respect.

I would now like to turn to another issue of concern which is the challenges posed in Europe by extremist political parties, movements and groups with regard to democracy and human rights. These challenges include the threat to the principle of non-discrimination, and the rights to life and to security of certain groups of individuals, especially in the context of the current economic crisis. Indeed, in some European countries the fear and discontent occasioned by pauperisation, unemployment and budget cuts in social benefits have manifested themselves in votes in favour of extremist political parties. In some countries, extremist political parties that have never previously enjoyed any representation in national parliaments managed to win seats and became sometimes the third largest political party. In this context, vulnerable groups including minorities, migrants, refugees and asylum seekers have been labelled by extremist political parties as a threat to the standard of living of the general population and blamed for the rise in unemployment and the state debt. Muslim populations have also been particularly singled out and stigmatised, especially during electoral campaigns carried out this year in some countries, including at the presidential level. It appears that traditional political parties and politicians, including high-level political leaders, do not always condemn the discourse and rhetoric promoted by extremist political parties. On the contrary, in some instances some of them have embraced the openly

racist, xenophobic, and nationalistic rhetoric of extremist political parties in order not to lose part of their electorate.

It should be highlighted that in this context a number of racist and xenophobic acts have been perpetrated by individuals linked to extremist political parties or movements against vulnerable groups. In many European countries, racist mob intimidation and violent racist attacks, mostly by neo-Nazi or other far-right groups, continue to be registered. The Roma, asylum seekers and irregular migrants are among the most common targets of these attacks. While the prosecution of racist violence appears to have improved since the 1990s, in most central and eastern European countries, it is crucial to ensure adequate prosecution and sanctions of those responsible for such acts. In this regard, I would like to reiterate concerns about anti-Semitic acts perpetrated by individuals or groups linked to extremist political parties, movements or groups, including neo-Nazi groups and extreme right-wing movements. Such acts include inter alia physical attacks targeting Jewish individuals; the paintings of Swastikas on monuments dedicated to the victims of the Holocaust; and the overtly anti-Semitic statements in ultra-nationalist or far-right publications posted on the internet that are reportedly often made with impunity.

Furthermore, due to the audience they reach and their moral authority, political parties and leaders should strongly condemn all political messages that disseminate hatred and incite racial discrimination and xenophobia. In this regard, I emphasise in particular the importance of public denunciation of expressions of intolerance, racism and xenophobia by party leaders when such expressions come from their own ranks. I also encourage political parties to promote messages of tolerance and mutual understanding, and to use rational and objective arguments to counter the rather simplistic solutions often put forward by extremist political parties to solve the political, societal and economic problems resulting from the crisis.

I would also like to raise an important issue regarding the trend in some countries to consider matters related to asylum in the context of the fight against illegal migration and prevention of abuse of the asylum system. As a result, restrictive measures have been adopted. In this regard, there are concerns over the manner in which the detention policy applying to foreigners, including asylum seekers apprehended for unlawful entry or stay is being implemented in some European countries. Cases of harsh conditions of detention of asylum seekers and irregular migrants, including ill-treatment in immigration detention facilities, prolonged periods of administrative detention without access to effective remedies to challenge the detention have been reported. I share the view that refugees, asylum seekers, and irregular migrants should be guaranteed an effective access to legal remedies and obtain adequate reparations for any damage suffered as a result of racism and xenophobic behaviour. The victims should also be provided with rehabilitation and support programmes, including psychological support. This supposes inter alia measures by states to ensure that refugees and asylum seekers are aware of their rights and the assistance they can benefit from in the host country. All racist incidents against refugees and asylum seekers should be reported, recorded and investigated adequately, without any discrimination.

Allow me now to make few a recommendations in terms of strategies to be developed and implemented at the European level to address some of these major challenges. It is essential that European states develop a comprehensive approach for combating racism and racial discrimination based on a strong legal framework. In this respect, I note with appreciation that the European Union has adopted key regional legal instruments including the so called Race Equality Directive adopted in 2000 (Directive 2000/43/EC) and the 2008 Framework Decision on Combating Racism and Xenophobia (2008/913/JHA). It is important, however, to ensure their effective implementation in Member States of the European Union.

I encourage states in co-operation with civil society to develop and implement policy measures that would duly take into account the structural dimension of racism and racial discrimination; consider the inter-relation between racial discrimination and socio-economic marginalisation and political exclusion; and pay due attention to the situation of vulnerable groups such as the Roma, asylum seekers and irregular migrants, including through affirmative action measures. In this relation, I reiterate that any policy measures implemented should ensure that all the victims of racism are treated equally and receive the same attention and protection. It is indeed essential to avoid establishing any hierarchy amongst the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination must be addressed with the same emphasis and the same determination.

Furthermore, in such a comprehensive approach preventive measures should be central. Indeed, combating racism requires that attitudes and ideas based on racial and cultural hierarchies be challenged and corrected. Therefore states have a primary responsibility in ensuring that their national action plans to combat racism and racial discrimination incorporate prevention strategies. In this regard, meaningful and effective participation of discriminated and marginalised groups in political and public life is crucial to informing policy decisions on issues related to racism and consequently to the prevention strategy.

At the institutional level, states should also establish or strengthen their national human rights institutions, including those specifically dealing with racial discrimination. In this regard, I welcome the Equinet European network of Equality Bodies, and underscore the need to provide such institutions with the necessary financial, human, and technical resources. It is also important that such institutions be mandated to receive individual complaints concerning racial discrimination.

Complementary measures should also be part of the comprehensive approach to be implemented. In this regard, I recommend the collection of ethnically disaggregated data as a useful tool to assess the effectiveness of policy measures taken. In addition, the capacity of state agents should be strengthened through mandatory and updated human rights trainings focusing on the prevention and elimination of racism and racial discrimination. I also recommend the strengthening of their capacity, through such trainings, to address racist and xenophobic crimes and to actively engage with groups and individuals particularly vulnerable to racist acts.

Ensuring justice for the victims is also essential. Indeed, impunity for acts motivated by racism, racial discrimination, xenophobia and intolerance encourage their recurrence. Thorough and impartial investigations should therefore be promptly carried out in every case, those responsible prosecuted and adequately sanctioned, and the victims provided with an effective access to remedies. Moreover, the necessary measures should be adopted to raise awareness among vulnerable groups, including the Roma, asylum seekers and irregular migrants, about the existing remedies and legal European instruments that protect them against racial discrimination.

Furthermore, civil society actors, including non-governmental organisations, academicians, practitioners, and the media, have a key role to play in eliminating racism. I therefore encourage European countries to strengthen their co-operation with civil society.

I would like to reiterate that education in general and human rights education in particular, remains a key tool in countering racism, xenophobia and racial discrimination. I would like to emphasise in particular that promoting the realisation of the right to education for all is also a key measure in combating and preventing racism. I therefore encourage European states to continue to invest in education in order to transform attitudes and correct ideas of racial hierarchies and superiority. In this regard, I encourage *inter alia* the

studying of minorities' languages and the teaching of their history and cultures, including the historical injustices they suffered in the past.

In conclusion, I would like in relation to the recent events that occurred following the movie entitled the 'Innocence of Muslims' that was posted on the internet, to call upon all actors to promote more respect, tolerance and mutual understanding. I reiterate the view expressed by my predecessor in the four joint written submissions that he presented with the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the series of expert workshops of the Office of the United Nations High Commissioner for Human Rights on the prohibition of incitement to national, racial or religious hatred, held in 2011. The joint submissions stressed inter alia that 'freedom of expression has to be understood in the positive sense and is one of the essential foundations of a democratic and pluralistic society. We also have to generate, with the exercise of this freedom, an atmosphere of respect and understanding between peoples, cultures and religions. We have to guarantee freedom of expression equally for all as a form to combat racism and discrimination'.

I thank you for your attention.

Section 1:

Manifestations of Traditional and New Emerging Forms of Racism in Various European Contexts

Racism, Neo-racism

By Dr Peter Hervik

In speaking about varieties of racism, participants in the symposium repeatedly highlighted radical right parties as a key source of racist ideology. Another perspective that came up was the link between racism and the strengthening of the nation state. Some also discussed the denial of racism and the use of a variety of communicative strategies to enable this denial. These are important issues for anti-racist activism and for the production of evidence-based cases of racist and xenophobic discourses and practices.

Racism is the ideology of ranked categories segmenting the human population that was originally developed by western Europeans following their global expansion beginning in the 1400s. Europeans widely believed that the successful expansion sprang from the qualities (and duties) inherent in the white race. Not until the 19th century did races, their characteristics, and ranking become the object of academic interest. The idea of race was thought to represent a category with natural boundaries, but later turned out to be a social construction built onto phenotypical variation. In the last decades of the 20th century, neo-racism has been evoked as a label for a new but closely related social construction representing human difference using 'culture', 'ethnicity' and 'difference' instead of race for similar almost invariable traits.

While in my view Islamophobia, anti-Semitism, anti-Black, anti-Roma and anti-Gypsy racism are distinctive phenomena, they are nonetheless varieties of racism, and as such they draw upon and exhibit characteristics of traditional racism. I will argue that there are three key components to any form of racism. I will also introduce the distinction between 'old' and 'new' racism that today gives the radical right 'racists' the possibility to deny that they are racist.

Defining Racism

There is no single agreed upon definition of racism and neo-racism. In each instance of assumed racism, the specific historical circumstances must be accounted for through thick contextualisation. Such historicisation must, among other things, be sensitive to the linguistic use of 'race' when used via other languages. One obvious case is the English 'race' (with additional differences between groups of native English speakers) in contrast with 'Rasse' for physical variation in German speaking countries of central Europe. Use of 'Rasse' and 'Rassist' or similar German terms is directly connected to Nazism of the 1920s, 30s and 40s and to be avoided for legal, civilian and moral reasons (Gingrich, 2004). Where the German word 'Rasse' disappeared after World War II, the English 'race' reoccurred shortly after the war to denote migrants arriving to Britain in connection to the decolonisation of countries within the British Commonwealth (Banton, 2005: 59). In most cases, the English 'race' is best translated as 'ethnic', although this too is only an approximation.

In Scandinavia the everyday use of 'race' and 'racism' are negatively loaded words whose associations originated in Nazi ideology, TV-coverage of 'race-riots' in the United States during the 1960s, and the apartheid system of South Africa. Although ethnographic analysis departs from the shared lived experiences of the 'native' social groups, then anthropological analysis of racism cannot be reduced to single historical cases of racism, such as Nazism, apartheid, slavery or white supremacy. Accordingly, an individual can deny racism with reference to any one of these historical cases, but still be classed as racist according to the practice and ideology of inferiorising others on the basis of 'culture' or 'ethnicity'.

Albert Memmi (1992) has emphasised that the ideology of racism is an evaluation of difference in such a way that it is advantageous to the accuser and detrimental to his or her victim. To him, racism

is a justification of privilege, hence entitlement racism, and of aggression towards the victim. For this, he builds upon existing or ascribed phenotypical characteristics as indicators of intellectual and moral superiority and inferiority. For others, colour and blood, are those metaphors through which inherent traits between people are read from external features. Colour is therefore the one constitutive conventional metaphor for supposed innate difference. Anti-racist scholar, Alana Lentin (2009), has pointed to the post-Enlightenment perception of poor people who were seen as racially degenerate, rife with disease, alcoholism, and mental instability. They were regarded as incapable of change. This view is basic to eugenics, which stretches ideology of 'racial' degeneration to the social construction also of poor people and lower classes. Common for most claims of race is that there is a deterministic link between physical variation and supposed group characteristics. Wodak and Reisigl (1999) argue that racism includes several ways of contesting or inferiorising other groups and must therefore be seen as syncretic, an ideological mixtum composition. It uses doctrines, religious and confessional beliefs, and stereotypes in order to render other groups inferior as a means of maintaining its own privilege. That is to say, racism will recruit any argument for its purpose, regardless of whether these arguments contradict each other internally.

While biologists and geneticists have established that the concept of race has little to do with biology and consensus has emerged that race is a social construction, racism has nonetheless not disappeared. Even if 'race' doesn't exist, race still has consequences, as W.E.B. du Bois explained in a celebrated quote: 'I recognise it quite easily and with full legal sanction; the black man is a person who must ride 'Jim Crow' in Georgia' (Du Bois, 1940: 153). Indeed, the experience of racism and the social construction of race is precisely what creates race as a social construction. The shared experience of being racially discriminated against must then be in the focus of a definition of racism (Omi and Winant, 1994).

The Emergence of Neo-racism

Neo-racism (alternative cultural racism) involves a process of inclusion and exclusion. Its dominant theme is not based on moral and intellectual superiority but on the incompatibility of cultural differences, arising from the abolition of borders and from people who break the 'national order of things' (Malkki, 1992). The term was first used in Britain in 1981 by Martin Barker in his analysis of British society. The core focus of the new racism was the defence of a mythic British or English way of life in the light of political and social crisis, which stems from Thatcher's famous statement in 1978:

People are really rather afraid that this country might be swamped by people with a different culture. And, you know, the British character has done so much for democracy, for law, and done so much throughout the world, that if there is a fear that it might be swamped, people are going to react and be hostile to those coming in (Quoted in Stolcke, 1995: 3).

A similar shift of rhetoric occurred in France in the late 1970s and early 1980s and paralysed the anti-racism campaigns for a decade. The increasing number of migrants to France was accompanied by demands that they were given rights allowing them to be different. This right, allowing migrants to express their 'differences', was one way of combating racism. The New Right responded by demanding that people of different cultures should stay where they 'naturally' belong and that the French culture has the right to preserve and defend itself against external threats. At first, this new racism does not postulate hierarchisation and superiority, only that other cultures are in the wrong place and cultures found in the wrong place will lead to hostility. The chronological distinction between 'new' and 'old' racism tends to obscure the fact that they co-exist together in different combinations and degrees of explicitness.

Other scholars have applied neo-racism, or related terms such as cultural racism, to the post 1989-world, irrespective of the early

uses in France and England. Set within the influence of mega-events, such as the fall of the Berlin Wall, the collapse of the Soviet Union, the restructuring of borders within the European Union, and the unfolding of globalism, neo-nationalism and neo-racism could gain strength as a locally shaped response (Gingrich and Banks, 2006). Within this process, neo-nationalism and neo-racism are closely linked. The ideas of 'race' and 'nation' (the outcome of 'racial discrimination' and 'nationalism') are categories of simultaneous inclusion and exclusion. The idea of an imagined community of cultural homogeneity implies that some people are included and others excluded and that those who hold this idea in common decide these matters. Those who share the idea claim that they belong 'naturally' to the territory; have particular origins often with certain racial features in common; and are part of a certain horizontal comradeship. Since the inclusion/exclusion dichotomy tends to fall precisely along 'cultural' and/or 'racial' lines, we can claim that neo-nationalism and neo-racism are two sides of the same phenomenon (Hervik, 2004).

From the perspective of those who are the object of racism, it makes no difference whether the type of discrimination is one or the other; the consequence is the same. The central feature of these processes is that the qualities of social groups are fixed, made natural, confined within a pseudo biological defined culturalism. Each is a trope of ultimate, irreducible differences between cultures, linguistic groups, or adherents of specific belief systems, which is used for arguments and practices of marginalisation and exclusion. Neo-racism may appear morally less reprehensible with its focus on 'culture', 'ethnicity' and 'difference' and its intensified struggles around the expression of a racism which it often claims not to be.

Examples of political parties with a neo-racist and neo-nationalist agenda are the Freedom Party of Austria, Danish People's Party, Norwegian Progress Party, and Vlaams Belang. However, it would be outright wrong to reduce the study and the understanding of this

agenda to specific political parties, since these ideas in many countries have become mainstream and have a separate presence in various social movements around stopping 'Islamisation' and 'defending' free speech.

The Three Dimensions of Racism

From a practical perspective, how does one scrutinise a discourse or an incident with the intention to establish whether such a practice is racist or not? For this purpose, three interrelated dimensions of racism must be present, most of which are part and parcel of different combinations of existing definitions of racism. The foundation is built upon three elements that need to be present and applied to analyses of specific cases.

(i) 'We' versus 'Them' Dichotomy

The first is the dichotomisation of 'we' and 'them' that freezes differences and excludes each other, for instance, a nation-based 'we', the Danes, the natives of Denmark, who were there first ('allochtones'), and 'they', 'the others', immigrants and descendants, who do not naturally belong and are therefore foreigners. An example of such a belief-system can be seen in the Danish host-guest frame of reference, which sees migrants as guests in the country, who behave as unruly, refusing to down tone their 'annoying differences' and therefore 'causing' the Danish host to be 'racist' (Hervik, 2011).

(ii) Racialise, Inferiorise, Dehumanise

The dichotomisation must be examined for racialisation, inferiorisation, dehumanisation or similar processes, which is the second element. Racialisation is the process that categorises and gives significance to some biological characteristics as the criterion by which a larger group is identified. This group is then further attributed with additional, negatively evaluated characteristics, which again may become the basis for inducing negative consequences. Clothes, gestures, ornaments, and spoken language can also follow this pattern of 'racialisation', since it is often part of the same single gestalt onto

which meaning is assigned. In a Norwegian case, a discussion about the racialised term 'negro' revealed a profound Norwegian sensitivity to skin colour (Gullestad, 2006). Incidents of racialisation are not expressions of racism in themselves, but are the lens of race thinking. Incidents as they occur in a given society must always be contextualised in history, both in the shorter and contemporary time spans, as well as the deeper historical roots when phenotypical signification was inscribed into the human body throughout the several hundred years of European expansion and hegemony. This criterion constitutes the decisive moment when 'others' – whether differentiated based on their poverty, gender, ethnicity, skin colour (including white), religion, etc. – are constructed as different and accordingly deemed incompatible with the in-group.

(iii) Induce Negative Consequences

The third element is the power to induce negative consequences of the radicalising, inferiorising, and dehumanising dichotomisation embraced in the second element. If the racial beliefs in the second element do not have any public expression or consequence, there seems to be little reason for perceiving this as racism. The aspect of power is particularly clear in cases of institutional power used to control access to, for instance, the labour market, national policies, the news media, and the police force. Consequences are also what we can traffic with both as researchers and practitioners.

Conclusion

According to the three-element approach of investigating possible racist incidents, the exclusion of the young Muslim politicians in Denmark in the summer of 2001, was a (neo) racist act. In the course of the 1990s, a strong wave of neo-nationalism and neo-racism had emerged providing substance to a widespread dichotomisation of 'we' the Danes and the 'foreign' others. A rough estimate says that 80% of the Danes consider the relations between practising Muslims in Denmark and the indigenous Danes to be incompatible (Hervik, 2004). This background combined with an

omnipresent tendency in the media coverage of the case to present and link Danish born Muslims to the Taliban and Iranian Shiite, is a 'racialisation' and demonisation of Muslims. So, both the first and the second element are present through what is best seen as an enemy image of Islam. The third element is also at hand. The Social Liberal political party and Denmark's Radio, the public service station played a not very flattering role in using their power to marginalise and exclude Muslims, based on uncritical research.⁴

In the course of the 1990s and 2000s, it became increasingly clear that the news media, politics and racism should no longer be studied separately from each other. Anti-migrant statements are now carefully prepared for communication in both the old and the new media, although there are of course many examples of how communication has become crude and extremist. The Danish Muhammad cartoon story also revealed the existence of powerful groups, who approached the media not for dialogue but to contribute to a battlefield of confrontation. Accordingly, anti-racist activism must, I argue, carefully analyse the greatest drivers of racism and approach them with the proper communication strategies in order to counter racism effectively.

References

- Banton, Michael. 2000. 'The Idiom of Race'. In Back, Les & Solomos, John (eds). *Theories of Race and Racism: A Reader*. New York and London: Routledge: 51-63.
- Barker, Martin. 1981. *The New Racism: Conservatives and the Ideology of the Tribe*. London: Junction Books.
- Du Bois, W. E. B. 1940. *Dusk of Dawn: An Essay toward an Autobiography of a Race Concept*. New Brunswick, N.J.: Transaction Publishers.

4 See Hervik, 2002 and 2011 for the full analysis.

Gingrich, Andre. 2004. 'Concepts of Race Vanishing, Movements of Racism Rising? Reflections on a Global Issue through an Austrian Case Example'. *Ethnos* 69 (2): 156-176.

Gingrich, Andre and Banks, Marcus. 2006. *Neo-Nationalism in Europe and Beyond: Perspectives from Social Anthropology*. Oxford: Berghan Books.

Gullestad, Marianne. 2006. *Plausible Prejudice*. Oslo: Universitetsforlaget.

Hervik, Peter. 2002. *Mediernes muslimer. En antropologisk undersøgelse af mediernes dækning af religioner i Danmark*. Copenhagen: Board for Ethnic Equality.

Hervik, Peter. 2004. 'The Danish Cultural World of Unbridgeable Differences'. *Ethnos* 69 (2): 247-267.

Hervik, Peter. 2006. 'The Emergence of Neo-nationalism in Denmark, 1992-2001'. In Banks, Marcus and Gingrich, Andre (eds). *Neo-Nationalism in Europe and Beyond: Perspectives from Social Anthropology*. Oxford: Berghan Books: 136-161.

Malkki, Liisa. 1992. 'National Geographic: The Rooting of Peoples and the Territorialisation of National Identity among Scholars and Refugees'. *Cultural Anthropology*, 7 (1): 24-44.

Memmi, Albert. 1992. *Rassismus*. Hamburg: Europäische Verlagsanstalt.

Nieuwkerk, Karin van. 2004. 'Veils and Wooden Clogs don't go together'. *Ethnos* 69 (2): 229-246.

Omi, Michael & Winant, Howard. 1994. *Racial Formation in the United States. From the 1960s to the 1990s*. New York and London: Routledge.

Stolcke, Verena. 1995. 'Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe'. *Current Anthropology* 36 (1): 1-24.

Wodak, R. & Reisigl, M. 1999. 'Discourse and Racism: European Perspectives'. *Annual Review of Anthropology* 28: 175-200.

European Racism in the Past, Present and the Future

By Maleiha Malik

Nor, and this is the crucial point, does it seem that other civilisations evolved to such perfection the essential mechanism which made this continuous growth possible: the construction of a rhetoric of persecution capable of being turned at will from one category of victim to another, including if necessary those invented for the purpose. This is what made the victims of persecution in the west for all practical purposes freely interchangeable with one another, and persecution itself a permanent and omnipresent feature of the social fabric, continuously expanding the range and scope of its activities.

(Moore, 2007: 151-152)

The European Network Against Racism (ENAR) is an invaluable organisation precisely because it is uniquely placed to allow us to understand and address the varieties of racism that emerge as a distinctly European phenomenon. This is not to say that non-European societies do not have versions of racism. Rather, it is to appreciate that there is something distinct about the European context within which racism and persecution of the 'Other' emerge. An understanding of European racism, therefore, requires close attention to the past in order to understand the present as well as working towards a more optimistic future.

I want to undertake an exploratory discussion of whether the historian R. I. Moore's conception that there is a European 'model of persecution', which he developed through an analysis of European history in the tenth to thirteenth century, is useful in understanding contemporary European racism.

Of course, the idea of persecution also has a legal meaning because it is a key concept in international refugee law. Persecution is an

extreme concept that goes beyond treatment that is offensive, unlawful or discriminatory. My argument does not use persecution as a legal concept. Rather, I argue that there are aspects of R. I. Moore's concept of Europe as a 'persecuting society' (or a European model of persecution) that help us to understand contemporary European racism. What follows is an exploratory discussion of this topic rather than a comprehensive philosophical, historical, legal or social science analysis.

The assumption that persecution was a feature of European societies, especially during the medieval period, or that the Enlightenment and a process of constitutional reform is a straightforward progress that has put an end to barbarism, is difficult to maintain given the subsequent events in the twentieth century. Moore's main argument in *The Formation of a Persecuting Society* was that the period between the tenth to the thirteenth century in Europe, which saw substantial change in the nature of the state and the legal system, was also a period in which there was a great rise in the persecution of groups such as lepers, heretics and Jews. It is sometimes assumed that these periods of persecution were ad hoc resorts to violence. Moore challenges this assumption by arguing that persecution, during this crucial period, was an essential feature of what he labels the 'first European revolution'. A range of key religious, political and legal changes during this period laid down the foundations for state formation which included the mechanism for the persecution of vulnerable groups who did not fit into the emerging definitions of what it meant to be western European (Moore, 2007: 9-10). This mechanism for persecution was made possible by changes such as the Fourth Lateran Council in November 1215 that not only promulgated a working definition of the recognised and legitimate Christian community, but that also provided the political and legal mechanism for sanctioning those convicted of heresy. This mechanism, Moore argues, was not just limited to that historical period but had the potential to be adapted and applied to a much wider range of victims. Crucially, this historical period also saw changes in the

nature of the legal system from a segmented to a state based society. Moore argues that this wide framework provided a European model for persecution within which persecution could be sustained long after it had served its immediate function of offering either a political or a financial advantage (Moore, 2007: 151). Moreover, this provided a mechanism of rhetoric and persecution of the 'Other' that was capable of being turned at will from one category of victim to another.

Moore concludes that

This is precisely the transition which took place in the attitude to heresy in the second half of the twelfth century, from reacting to dramatic and aggressive expressions of anti-clerical sentiment to actively seeking out those who were disseminating heretical beliefs, on the premises that they must be there to be found, and that any failure on their part to make their whereabouts and activity obvious only confirmed the insidious cunning with which they concealed themselves.

(Moore, 2007: 104)

The response of political and legal institutions to the requirement to actively seek out heretics meant that there had to be a shift in the function and form of the legal apparatus: from a reactive function for the state to one in which the state was actively involved in initiating prosecution (Moore, 2007: 158). These changes also provided the context in which political and ecclesiastical authority was able to extend its power: it had to develop a more sophisticated system of professional bureaucrats who were their agents to oversee these new prosecutions for heresy; it was able to extend its reach deeper into the private lives of individuals and communities; and this provided the context for consolidating the power and identity of an increasingly centralised political and legal system.

Concluding Comments

Have we modern enlightened Europeans really left behind all the legacies of this medieval pattern of persecution? Take for example, the recent criminalisation of the full facial veil in Belgium and France. What is the particular harm done to others by Muslim women who choose to wear the full facial veil – not in employment or in schools – but merely in the public sphere? Is their act merely another modern form of ‘heresy’ against Europe’s self-identity that is secured and stabilised through persecuting the ‘Other’? Why have the Belgian and French states become active participants in seeking out and punishing European Muslim women who choose to wear the full facial veil? How useful are the various statutory commissions that analyse ‘European Muslim Women and the Veil’? Do they truly give voice to European Muslim women? Or do they merely create false knowledge and false identity concerning European Muslim women that – in turn – justify a rhetoric of state persecution?

Of course, this analysis has implications well beyond the tiny group of European Muslim women who wear the full facial veil. As Moore points out, the ‘Others’ who are the victims of a European model of persecution are interchangeable: they could be racial or religious minorities; they could be heretics who challenge European values; or they could be gays and lesbians. These ‘Others’ could be migrants or refugees. This wide ambit of the potential and interchangeable victims of a European model of persecution may serve to teach us an important lesson for the future. Political action to challenge European racism can only be effective if it builds alliances between the whole range of potential victims of a European model of persecution: Jews, Muslims and Roma; established minorities, migrants and refugees; gays and lesbians.

A better understanding of Europe’s history of persecuting minorities in the past allows a better understanding of contemporary racism. It may be utopian to assume that we can defeat European racism, which has deep roots in Europe’s history of persecuting the

‘Other’. More optimistically, however, we can – indeed we must – develop political and legal interventions for early intervention to disrupt processes of racialisation and to minimise the harm of European racism.

References

Moore R. I. 2007. *The Formation of a Persecuting Society*. Oxford: Blackwells.

On Antisemitism⁵

By Dr Edie Friedman

A Brief History of Jewish Immigration Experience and Antisemitism in the UK

1144: William of Norwich issued a blood libel against Jews in Britain. He did this by inciting the population to believe that Jews killed Christian children and then used their blood to make matzo for Passover. This was the first recorded blood libel against Jews anywhere.

1190: Anti-Jewish riots, including the massacre of 150 Jews at Clifford's Tower, York.

1255: Another blood libel issued resulting in the execution of Jews.

1290: Expulsion of Jews from England. This was the first of the general expulsions in medieval Europe.

1656: Oliver Cromwell allowed Jews to return to the UK.

1881: Large-scale immigration of Jews to the UK (and the United States) from Russia & eastern Europe begins.

1905: UK Aliens Act introduced, which was first legal move to limit Jewish immigration to the UK.

1936: 'Battle of Cable Street' where Oswald Mosley's British Union of Fascists tried to march through a Jewish area of East London.

1938: Beginning of *Kindertransport* programme; nearly 10,000 Jewish children were allowed to come to Britain from Nazi Germany.

1939-1945: The Holocaust.

⁵ This spelling of anti-Semitism is the author's choice and is intentional.

1960: Arson attacks on synagogues in London initiated by Colin Jordan's National Socialist Movement.

A brief snapshot of contemporary antisemitism in the UK: 2000-2011

In 2000, there was a sudden rise in recorded antisemitic incidents in the UK. 105 incidents were recorded in October, the highest monthly total on record. This coincided with an escalation of conflict between Israelis and Palestinians.

In 2006, the Community Security Trust (CST) recorded 594 antisemitic incidents, the highest number on record. In the same year the All-Party Parliamentary Report into Antisemitism was published.

January 2009 saw 286 antisemitic incidents, the highest number ever recorded by the CST in a single month. The 609 antisemitic incidents reported to CST in the first half of 2009 are more than double the 276 antisemitic incidents reported to CST in the first six months of 2008. This coincided with the war in Gaza.

In 2011, there were 586 antisemitic incidents, representing a decrease in the number of recorded incidents for two years in a row.

2011 was the first time that more incidents were recorded in Greater Manchester than Greater London. This continued into the first half of 2012 but with an increase in incidents in London, some of which might be due to better information sharing between the Jewish community's Community Security Trust and the police. These incidents do not include casual antisemitism, remarks made in places such as at the dinner table, the playground and by members of parliament.

'Incidents' are defined as violent assaults, abusive behaviour, hate mail and damage to property.

The single most common type of incident is verbal abuse with victims who range from academics to school children. It can be argued that incidents increase due to ‘trigger events’ such as events in the Middle East. Despite the media suggesting that most attacks came from other minority groups such as Muslims, the attacks came mainly from the far right.

Some Questions for us to Consider

The above snapshot of incidents of antisemitism is part of the baggage that many Jews carry around. But in spite of the existence of antisemitism, a number of important issues need to be considered by the Jewish community as well as by those in other communities. Below are some of these considerations.

- How do we recognise the existence and the persistence of antisemitism without allowing ‘victimhood’ to define who we are? We must not allow ourselves to be defined as perpetual victims or compete with other minority groups in the ‘victim stakes’.
- Allowing antisemitism to define Jewish experience can detract from the richness, diversity and vitality which characterises so much of Jewish life in Britain today. It can also reduce our engagement with some of the other important issues facing Britain, such as the debate around multiculturalism, the demonisation of refugees and asylum seekers, social exclusion, and the effects of government cuts on society generally.
- In common with other minority communities, we have to become less ‘territorial’ about our victimhood. We need to take on board that victims can also be perpetrators. We are also all capable of perpetuating stereotypes and racism, of double standards and of indifference to injustice when it doesn’t affect us. Victimhood can stop us from recognising this. We want community cohesion, but not cohesion simply as a result of the glue of antisemitism, Islamophobia or racism generally. There must be a more positive way of achieving this.

- One way forward is to understand that we have a common (though not identical) experience which is shared between different minority communities. Being positive about this commonality may well be severely tested because of the cuts Britain is facing today to both the welfare state and the voluntary sector which is trying to provide services to the most vulnerable. It is more important than ever that minority communities find this common cause so we can all contribute to making Britain a more just place for all of us.

Entitlement Racism: License to Humiliate

By Dr Philomena Essed

'I do not want to be racist, but'⁶... Today you do not hear this excuse as often as during the 1980s (van Dijk, 1984). The backlash against anti-racism starting at the end of the previous century (Essed & Nimako, 2006) and subsequently fed by the post 9/11 'war on terror' in the US and Europe (Amin, 2010), has given birth to a new boldness: 'truth telling' and 'speaking your mind' about ethnic minorities. Racism legitimised in terms of rights, more particularly, the right of freedom of expression is what I call *entitlement racism*. Entitlement racism is a sign of the times we live in, where it is believed that you should be able to express yourself publicly in whichever way you feel like.

Freedom of expression, though an individual right, is quintessentially a relational phenomenon. The expresser wants his or her opinion to be heard or seen. Followers, those who applaud, and even those whose silence is read as approval, can become involved in the enactment of entitlement racism (Thalhammer et al, 2007). Freedom of expression as a form of racism evolves easily into the idea that one has the right to *offend and to humiliate*. Highly politicised extreme examples of entitlement racism, in particular against Muslims and Islam, come to mind, including anti-Islamic films and cartoons about the Prophet Mohammed. The profound sense of symbolic or *cultural hurt* (Essed, 2009) resulting from these humiliations triggered violent responses among extremists on the other side in return. This essay moves away from the strong emphasis on Islamophobia in current racism debates to anti-black racism.⁷

6 The idea of 'to-be-or-not-to-be-a-racist' reduces racism to a character trait. Elsewhere I explain that the problem is about racist practices, what people say or do. It is not about personalities.

7 I do not mean to suggest that these two forms of racism are mutually exclusive.

A number of public events give reason to believe that racism against people of African descent in Europe too is taking more blunt, openly racial, forms again in the name of freedom of expression. This suggests a return to biological racism implied in the continuing humiliation of people of African descent in Europe (Hine, Keaton, Small, 2011). Key examples to be discussed represent symbolic violence against the black body. Whereas the violation of the integrity of the black body is not new, what makes these examples of entitlement racism is that perpetrators know, or could have known that their portrayals are offensive, but they do not see any reason to apologise or change their behaviour. They become defensive instead.

Images Going Viral - Racism as Freedom of Expression

The first example underscores the global scope of entitlement racism, where images created in one location travel globally. In April 2012 I was sitting in on a PhD class in Durban, South Africa, when suddenly a mixture of screams and laughter escaped from the computer of a colleague, also sitting in. The colleague tried frantically to subdue the noise, but did not know how. The whole class now turned around to look at her, and with each burst of laughter from the computer, the class shook along until we were all rolling with laughter, without even realising what the laughter was about. In what felt like eternity, but must have been just a minute or two, someone found the mute button.

As I learned later, the colleague had clicked a link embedded in a circular email opening up to a YouTube clip. Inadvertently the class had joined the laughter emerging from a racialised event in a Swedish art museum. The event, the opening of an art show, involved the Swedish minister for Culture, Lena Adelsohn Liljeroth. She caused international outcry when YouTube showed how she performed a symbolic genital clitoridectomy by cutting into an art object, a cake, shaped and coloured to look like the torso of a big black woman. Life size, lying in prostrate position on a sort of operation table, this racist caricature of a black woman with exaggerated

African features, was ready to be cut. The graphic spectacle required that the cake knife would plunge right into the vaginal area to expose the pink-red colour of cut flesh against the background of a very black skin. Each slice from the cake evoked wailing screams from the cake woman escaping from a live black-faced head linked to the neck of this grotesque black woman cake figure. The minister fed a slice to the mouth of a black-faced head, actually the artist who had stuck his head through a hole in the table. The audience laughed along at each agonising scream. The cameras caught the minister of culture, a white woman, laughing, looking quite amused and having a good time together with the audience.

There is much to be said about the (gendered) racism in this event: the objectification of the black female body, the barbarism of a black head eating its own black body; the imagined subjugation of a black woman to physical violence; the fact that circumcision is mostly done to girls and young women and not to a stereotypical big black female body like the cake woman's; that the event triggered memories of medical experiments on the reproductive organs of black enslaved women in the US, and so on.

Perhaps the most troubling part of the bizarre spectacle was that it appeared normal and funny entertainment to violate the bodily integrity of a black object, to the amused eyes of an overwhelmingly, if not all white audience. Sanctioning the event through her active engagement with the piece of art was the minister, representing the highest authorising body of the country – the government. In the name of artistic freedom symbolic violence could happen to black women. Did it matter that the artist was an 'African artist known in Sweden for provocative work that aims to challenge racial stereotypes'?⁸ Not really, because one does not have to be white in order to engage in racist practices. Did it matter that he seemed to

8 See <http://english.ahram.org.eg/NewsContent/5/25/39643/Arts--Culture/Visual-Art/Sweden-minister-apologises-over-racist-cake.aspx>.

have meant to protest against genital mutilation?⁹ Yes, but he could have chosen a different form, not involving the racist image of a black woman and himself as actor with a sambo-esk head. That the scene prompted laughter rather than shock, anger, or indignation underscores the failure of the message he tried to convey. In spite of the screams that each cut into the cake triggered, visitors continued to cut their slice, one after the other, like sheep following the minister and each other. No subtleness here. No empathy here. It seems to me that their cutting into the cake, under these circumstances, requires contempt, indifference or any other desensitised disposition towards the black female body. How distant must you feel from the black female body to be able to cut into her imagined flesh screaming in agonising pain, and then to cut again ... and yet again...?

The other side of the story is that the global consternation this event caused enabled Afro-Swedish groups to call international attention to racism in Sweden. This too, of course is using freedom of speech, but to voice critique of racism.¹⁰

Moral erosion with respect to racial and ethnic minorities did not come out of the blue. It goes together with the tough language of neo-liberalism, foregrounding individual accountability and personal choice above systems of privilege and disadvantage. For instance, the election of a black president in the US has reinforced the myth that race is no longer a factor of disadvantage. But his very election opened doors to extremists in the US to contest his citizenship. A 2012 survey shows an increase in anti-black racism, where more than half the American population agrees they harbour anti-black racial prejudice.¹¹ The global world, however, responded with more enthusiasm. They would be happy to re-elect Obama in 2012.¹² But the way in which endorsement of the Obamas is ex-

9 See <http://www.npr.org/blogs/thetwo-way/2012/04/18/150871279/swedish-official-calls-racist-cake-a-piece-of-provocative-art> and <http://www.carltonjordan.com/2012/04/17/meet-the-black-artist-behind-swedens-racist-cake-controversy/>.

10 See <http://www.bbc.co.uk/news/world-europe-17749533>.

11 See http://www.huffingtonpost.com/2012/10/27/racial-views-new-polls-sh_n_2029423.html.

12 See <http://www.globalpost.com/dispatch/news/politics/120914/world-elects-barack-obama>.

pressed in Europe can take racist forms as well. This introduces the second example.

The last week of August 2012, the Spanish magazine, *Fuera de Serie*, published on their cover a piece of art involving the photoshopped facial image of US First Lady Michelle Obama into a French 19th Century, bare breasted portrait of an enslaved woman.¹³ The artist Karine Pecheron-Daniels has made fake nudes before of a range of high profile people, including the pope, Einstein, Queen Elizabeth, Prince William, Catherine, Duchess of Cambridge, Princess Diana, and Margaret Thatcher.¹⁴ Comparing the ‘nudes’ of all the women it strikes the viewer that the nudity of the British female royalty is fairly discrete. The Margaret Thatcher fake has, like, the US First Lady, one breast bared, but she stands proud, chin up, dressed in the costume of a knight. There is a relation to her premiership and the nickname she carried, ‘iron lady’. Not in the case of Michelle Obama. Reduced to the condition of ancestors, she is the only one who has neither character, nor agency in her posture: head slightly down, while looking away from the camera. Others are looking at or beyond the viewer.

The magazine claims that the cover print was a tribute to the First Lady. But it takes a long stretch to see ‘honour’ or ‘dignity’ in the First Lady as subjugated sex object. The message seems to be that this is the real essence of black women, then and now still. Ms Obama can climb to the top, but ‘this’ is her true self. As one commentator puts it: ‘The portrait robs Obama of her identity, voice, and intellect, and visually shackles her to a politically passive subject, resigned to an assigned role as slave’.¹⁵

13 See <http://www.dailymail.co.uk/news/article-2194542/Spanish-magazine-puts-Michelle-Obamas-head-portrait-topless-slave.html#ixzz25SmG0rrz>; http://www.huffingtonpost.com/2012/08/28/michelle-obama-pictured-a_n_1836570.html; (<http://blackstarnews.com/news/135/ARTICLE/8433/2012-09-03.html>).

14 See <http://fineartamerica.com/profiles/karine-percherondaniels.html>.

15 See http://www.thenewage.co.za/60654-1020-53-Topless_Michelle_Obama_coversparks_debate.

The painting celebrates the aesthetics of slavery initiated in the 19th century white male portrayal of the sexually available black 'slave woman'. The image of Ms Obama caused indignation, if not outrage in the US, across the political spectrum. The contrast to how Michelle Obama presents herself to the public in general and more specifically at the Democratic Convention, about a week later, could not be sharper: confident intelligence, strong agency and social commitment to improve the lives of others. A news source reports: 'Michelle Obama was the overwhelming star of Tuesday night's Democratic National Convention, delivering a powerful personal narrative about her husband still being the same deeply principled man she fell in love with 23 years ago when they were both broke and watching their families struggle'.¹⁶

The third example, originating from the Netherlands, involves the denigration of black women as well. Arguably, the lowest point of current Dutch entitlement racism against people of African descent can be found in the book called 'Only Decent people' (2008) probably one of the bestselling Dutch fictions to date of the new millennium. In 2012, the book premiered as a movie. In this book, Jewish author Robert Vuijsje, writes about a Jewish young man who is obsessed by what he calls 'negresses with fat butts and oversized boobs'. But he does not only want tits and ass; he wants the 'negress' – this is the word he uses – to be intelligent as well. Now that is a lot to ask for! The author makes fun, on the one hand, of the white (Jewish) upper middle class hypocrisy – they feel so civilised – and, on the other hand, the unpolished hunger, among the marginalised black lower class, for money, bling-bling and material gain. Every stereotype of black women is in the book, which makes it pathetically funny from time to time, that is, if you like this kind of humour. Blacks do anything and everything to get money.

16 See http://www.huffingtonpost.com/2012/09/05/michelle-obama-speech_n_1856175.html.

As a literary product the book lacks sophistication – you would not read it twice, but it triggers something in many readers. The racism is no less with the author who uses the denigrating term ‘negress’ with gusto throughout the book and writes quite unreflectively about black culture, drawing from the narrowness of his own autobiographic experiences.¹⁷ Like the male protagonist in the book, he is a Jew who often gets mistaken for a Moroccan and, therefore, is more easily accepted in black communities than a regular white would have been. Racism is thickly in the eagerness by which the Dutch audience has embraced all of its 30 or so editions, selling more than 175,000 copies. The racism is in the culture of its perception, of those who read it, succinctly expressed in the words of the jury who awarded the book with the Golden Owl, the Dutch award for the most important literary product of the year. The chair of the jury compares the book, in soft-pornographic words, to ‘a soft hand holding your balls and a slap in your face’. Another jury member explains ‘Vuijsje’s dialogues swing like an African tit, the rhythm is tighter than the buttocks of a negress wearing seriously undersized leggings with leopard design’.¹⁸ Indeed the epitome of an entitlement disposition: ‘I can say what I want, I have the right to do that, don’t be over-sensitive about these things, we are all mature, aren’t we’. Apparently this was also the motive of the author, who non-apologetically claims that he wanted to break taboos by showing what really happens in those black communities.¹⁹

How much more explicit can one be in reducing African women to sex objects for the white and male gaze to consume.

The racial stereotypes in the book are heavily gendered in other ways. Black men, all lower income, are pictured as ruthless sex possessed hustlers. The degradation of black people in the name

17 See <http://www.nu.nl/filmrecensies/2930192/alleen-maar-nette-mensen--lodewijk-crijns.html>.

18 See <http://caraibischeletteren.blogspot.com/2009/05/de-wereld-is-groter-v.html> [translated from Dutch, PhE – “VuijsjesdialogenswingenalseenAfrikaansetiet, het ritme zit strakerdaneennegerinnenbil in eenveeltekleine legging met luipaardmotief...”].

19 See <http://caraibischeletteren.blogspot.com/2009/05/de-wereld-is-groter-v.html>.

of freedom of expression should be placed in a historical and social context. Extreme advocates of free speech operate from the mode that 'if you feel offended, that is your problem, not mine'. The sense of entitlement with respect to black people has been present in the Netherlands for a longer time as well in relation to the use of the word 'negro'. The reason I call this entitlement racism is that there have been protests in the Netherlands before against this term and there is ample information available to explain why this is a denigrating word.²⁰ Yet, high profile people, including media representatives, scholars, artists and others continue to talk about 'negroes'. Let me give a few examples.

On a recent visit to the Netherlands I coincidentally zapped into a television programme called 'Stars on the canvas' [Sterren op het Doek]. A TV presenter interviews a Dutch personality, while at the same time, three visual artists; in this case two men and one woman, all white, are painting a portrait of the interviewee. The personality on this occasion is Hans Wiegel, a political icon, white male. Half way through the interview the presenter, Hanneke Groenteman, white female, walks over to the artists to discuss the emerging portraits on the canvas, which the audience can see, but Hans Wiegel, the one being portrayed, cannot. When the camera zooms in on the work in progress by the woman painter, the presenter says something like this – and I will translate from Dutch:

'Woow, you are giving him a lot of colour!' The artist responds that she likes colours. And adds casually, 'but of course I'm not going to turn him into a negro'. Silence, and a split second hint of hesitation on the face of the presenter. Then the conversation about the emerging portrait continues as if nothing odd has been said.²¹

I am speechless.

²⁰ See <http://nl.wikipedia.org/wiki/Neger>; http://partyflock.nl/topic/769749:Slavernijcomite_wil_woord_neger_uit_woordenboek.html.

²¹ Groenteman, Hanneke. Sterren op het Doek, 28 April 2011.

Where does one begin to address the Dutch construct of ‘neger’, negro, this form of colonial racial thinking so deeply ingrained in the Dutch psyche that it has remained largely untouched by the sophistication of modern times?

In everyday conversations ‘negro’ is still the standard term to refer to people of African descent. Black people who protest against the use of this word are seen as fanatic or oversensitive. The typical Dutch attitude is: ‘I should be able to say what I want’. Moreover there is the self-victimisation, resentment that one has to be sensitive to the feelings of ethnic minorities, as in the following example:

Renske de Greef, a celebrated young female author, white, blond, who writes about sex, including a book about sex in Africa where she lived for a while, has a column in the conservative newspaper the NRC. This newspaper is read by many politicians and by Dutch intellectuals. In a June 2011 column, she confesses that she finally got to understand why not to use the word ‘negro’ when she met a ‘young, smart presenter’ who interviewed her and who objected against her use of the term negro, which up till then she had used often and with gusto, as she calls it. Thus, it seems that all the black folks who had objected did not impress her because they were, according to de Greef’s judgment not smart, not young, and not a media person, like her. And who knows, not white like her. Because even if the young smart presenter was black, this was apparently the first one whom she considered smart enough.

Once she decided not to use the word negro again the real problems started:

Although I used the word frequently, it is not like I was so much attached to it as to want to insist upon using it – by all means, if it really hurts people I am not that bad, you know. But from that very moment on, I got the cramps. This clumsy search for words, these hesitations, the sneaky guilty looks around, wondering whether someone had heard or maybe was angry after all, and all this effort to over-compensate. As a result I felt more racist than ever before.

As we can see this is all about her: me using the word negro, me having no problem with that, others creating a problem for me, me wanting to be sensitive, me feeling like in a straitjacket now. Look what happens when you do those minorities a favour. Now I am stuck with the mess, now I am hampered in my freedom.

So here are her solutions:

Wouldn't it be nice to choose together either to let language be language, you use whatever word you want, some say this, other that, just mind the intention, that is what counts. Or to have a referendum about all the alternatives: black, dark, Afro-European, coloured, dark fellow human being, from the South, so that we can all get rid of these cramps.²²

The solution is more about what would suit the white majority, not about people of African descent. Very well meant, no doubt.

The good news is that there seems to be a fraction of progress. Is the Netherlands coming out of cultural stagnation around the word 'negro'?

Here is another example:

A 30 May 2011 article in the free daily journal, Metro, distributed at the Central Stations, has 'wittenegers' – white negroes in the headline. It reports about a 'unique' project where a Dutch foundation is collecting sunscreen for African albinos because these 'wittenegers', 'white negroes' with their 'light blond hair' and 'light blue eyes', are literally burning alive. The internet version of the same article later that day removed 'wittenegers' (white negroes) from the headline, but not from the text of the article itself. Apparently, they sensed something was a bit wrong.

²² de Greef, Renske. 2011. 'Een negerzoen smaakte beter dan een Buys' zoen', available at <http://www.nrcnext.nl/columnisten/2011/06/23/een-negerzoen-smaakte-beter-dan-een-buys%E2%80%99-zoen/> [Translated from Dutch, PhE].

Finally, there is the example of the local police in the city of Tilburg in the south of the Netherlands, who tweeted that they were looking for a ‘black negro’ suspect ‘thin, black coat, Palestinian scarf’. The responses that followed ranged from anger (‘negro is a racist term’) to amusement on the part of people who thought that the idea of a black negro with a Palestinian scarf was just too much. Two hours later the police tweeted an apology for their ‘incorrect language use’. They did not specify what should have been corrected, the racial slur or the typo they made in the Dutch spelling for the word Palestinian (Palestijn instead of Palestijn).²³

The police tweet was dated 21 November 2011 – two weeks after the arrival of Sinterklaas (Saint Nicholas), discussed in more detail below, which signals the start of the season coming up to his birthday celebration on 5 and 6 December in the Netherlands and Belgium respectively. One comment on police efforts to locate the ‘black negro’ suspect reads: ‘It is useless to look for a black negro at a time when thousands of servant Petes (hulppieten) are running around the country as well’.²⁴ Servant Petes refers to the ZwartPieten, Sinterklaas’ black servants, actually black-faced whites. The suggestion that the Black Pete is made to look like a ‘black negro’ probably expresses what many white Dutch notice as well, but adamantly deny.²⁵

The Zwarte Piet figure touches a deep core of Dutch culture. 150 years after the abolition of slavery in the Dutch colonies (1863) the only iconic slave left to be liberated is Zwarte Piet, Black Pete.²⁶ The black-faced figures, painted with exaggerated red lips and wooly hair are supposed to be funny, mischievous, agile servants

23 See http://www.pim-fortuyn.nl/pforum/topic.asp?whichpage=1&TOPIC_ID=78979󓵰 and <http://www.jeeweeweb.nl/jeeweeweb/2011/11/21/politiesmsalert-zwarte-neger.html>.

24 See http://www.pim-fortuyn.nl/pforum/topic.asp?whichpage=1&TOPIC_ID=78979󓵰.

25 Image of Zwarte Piet from: <http://zwartepietiszwartverdriet.blogspot.com/2007/11/de-geschiedenis-van-zwarte-piet-zwart.html>. This site is from a group who protests the racism underlying the creation of the Zwarte Piet figure.

26 See http://www.slate.com/articles/life/holidays/2011/12/zwarte_piet_holland_s_favorite_racist_christmas_tradition_.html and <http://www.offtrackplanet.com/what-the-fck/what-the-fuck-is-zwarte-piet/>.

who are unable to speak proper Dutch, in contrast to the serious, wise, tall white bearded Sinterklaas they serve.²⁷ The story told to children is that Zwarte Piet climbs down the chimney to put presents in children's shoes in exchange for carrots, grass or other food placed there for the horse of Sinterklaas. The Sinterklaas' birthday celebration is centuries old, but the Zwarte Piet figure only emerged in the mid-19th century.

Any tourist who visits the Netherlands around early December raises their eyebrows in surprise if not disgust at the sight of Zwarte Piet. Overwhelmingly only the native Dutch don't see the racism involved. Quite the contrary, they defend their tradition aggressively and emotionally, hands-off 'our' Zwarte Piet, their pet negro.

The racism was evident in the creation of the Zwarte Piet figure, but what makes this image, today, a form of *entitlement* racism is that the Dutch see it as their right to continue to employ Zwarte Piet, regardless of the hurt it causes to others. Many blacks feel embarrassed if not humiliated, when during the period between late November until 6 December, every shop window shows Zwarte Piet images to advertise their products, including cosmetics to paint your face black.²⁸

There is a degree of immunity among Dutch against anti-Zwarte Piet critique. Moreover, offensive, often aggressive responses have silenced many. There have been threats to use violence against protestors.²⁹ In November 2011, the police used force while arresting a few young people wearing T-shirts with the text 'zwarte-piet-is-racisme' in public.³⁰ White Dutch feel they have the right to celebrate Sinterklaas in whichever way they feel like. Decades of small-scale

27 See http://www.dewereldmorgen.be/sites/default/files/imagecache/slideshow_1680x1050/2011/12/06/sinterklaas_en_zijn_knecht_0.jpg.

28 See <http://www.schminkwebshop.nl/17/schminken-zwarte-piet.html>.

29 See <http://www.hln.be/hln/nl/960/Buitenland/article/detail/398498/2008/08/29/Nederlandse-protestmars-tegen-Zwarte-Piet-afgelast.dhtml>.

30 See <http://www.ad.nl/ad/nl/1012/Nederland/article/detail/3030720/2011/11/12/Zwarte-Piet-demonstrant-door-politie-mishandeld.dhtml>.

protest have not made much difference, but the courage to voice discontent is steadily spreading through social media.³¹ There is also increasing anger and commotion around the film version of 'Only Decent People'.³²

As these examples have shown, entitlement behaviour is self-centred and devoid of empathy. The same indifference or white inability to place oneself in the position of black people who feel ridiculed by the *Zwarte Piet* personage underlies the immense popularity of books like 'Only Decent People'.

Conclusions

At the core of racism is the humiliation of the 'other' in order to elevate the self. But the very humiliation of the other compromises the dignity of the perpetrator. Entitlement racism, because of the insistence on the right to offend in the name of freedom, regardless of its impact on others, nurtures disgraceful behaviour. Its expression is blunt, devoid of shame, careless, and self-centred characteristics Aaron James attributes to what he calls 'assholes' in a book with the same title (2012). The person 'allows himself to enjoy special advantages and does so systematically'. He is someone who humiliates others out of an 'entrenched sense of entitlement and is immunised by his sense of entitlement against the complaints of other people' (James, 2012: 5). One could argue that there is no special privilege in invoking a human right. However, if one claims the right to offend, this becomes a special privilege, namely to humiliate others, in the name of a common right. This is not to suggest that entitlement racism is only expressed by certain characters. It is more structural, embedded in the age of high individualism and entitlement capitalism and a European culture of entitlement. The dilemma between invoking a human

31 See <http://zwartepietisracisme.tumblr.com/>.

32 See <http://www.dwtonline.com/de-ware-tijd/2012/10/22/robert-vuijsje-begrijpt-felle-reacties-niet/>.

right and disregarding the hurt it can cause to relatively less powerful members of humanity cannot be solved in terms of the language of rights.

Freedom of expression is an undeniable indicator of democratic progress. In some countries and depending on the issue, that right still needs to be achieved among the general population, women, and among critical thinkers. But once freedom of expression has become a right, the focus needs to shift from demanding rights to taking responsibility for the careful and wise use of rights. A sense of entitlement does not belong in that discussion. Offending others is not a right; it is a form of abuse. There is a need for more consciousness and skills to express critique and discontent without humiliating others. Ash Amin (2010: 15-16) talks about an ‘ethos of common humanity’ while referencing and quoting Bhikhu Parakh’s 2008 book on *A New Politics of Identity*:

living in a differentiated and divided but also interdependent world requires active cultivation by states and societies of an ethos of common humanity, underpinned by appropriate practical and symbolic actions. This includes sanctioning the pursuit of self-interest when it harms others (regardless of territorial and cultural location), acting ‘together in the spirit of human solidarity’ (2008: 226), accepting engagement as the ‘very condition of one’s growth’ (2008: 227).

Targets and witnesses of entitlement racism can voice moral outrage while insisting on a *culture of dignity*. Freedom of expression can be used to be relentlessly explicit and firm about self-worth and respect for the worth of others. The advantage of the age of the internet is that targets of racism as freedom of expression are no longer isolated. Through traditional and social media the world is watching, 24/7. The response to racism becomes borderless as well.

References

- Amin, A. 2010. 'The Reminders of Race'. *Theory, Culture & Society* 27 (1): 1-23.
- Essed, P. 2009. 'Intolerable Humiliations'. In Huggan, G. & Law, I. (eds). *Racism Postcolonialism Europe*. Liverpool: Liverpool University Press: 131-147.
- Essed, P. & Nimako, K. 2006. 'Designs and (Co)incidents. Cultures of Scholarship and Public Policy on Immigrants/Minorities in the Netherlands. *International Journal of Comparative Sociology* 47 (3-4): 281-312.
- Hine, D.C., Keaton, T.D., Small, S. (eds). 2009. *Black Europe and the African Diaspora*. Urbana and Chicago: University of Illinois Press.
- James, A. 2012. *Assholes: A Theory*. United States: Doubleday.
- Parekh, B. 2008. *A New Politics of Identity: Political Principles for an Interdependent World*. Basingstoke, Hampshire: Palgrave Macmillan.
- Thalhammer, K.E., O'Loughlin, P.L., Glazer, M.P., et al. 2007. *Courageous Resistance: The Power of Ordinary People*. Basingstoke, Hampshire: Palgrave Macmillan.
- Van Dijk, T.A. 1984. *Prejudice in Discourse*. Amsterdam: Benjamins.

Reverse Racism and the Manipulation of White Victimhood

By Liz Fekete

Racism in Europe takes many forms – it can be popular, institutional and even come with the imprimatur of the state. But racism does not manifest itself in exactly the same way in each country; indeed regional variations are emerging in terms of the European southern, eastern and western experience. But while there are a variety of racisms on the ground, a shared pan-European root can be discerned in economic and social policies based on nativism (i.e. ‘our own people first’).³³ Three decades ago, it was the far-right and anti-immigration movements which advocated economic and social policies based on national preference, cultural policies centred on monoculturalism and spoke in Armageddon terms of fragile ethnic and national identities endangered by people of other races and cultures. Today, the vocabulary and terms used by the far right are bolstered by a new common-sense racism, as a populist nativist mythology gains ground drawing on everyday fables and fictions about ‘reverse racism’ or white victimhood.

The Eastern Variant

Anti-Roma mobilisations take place in villages and towns across eastern Europe on a regular, almost daily, basis. As international pressure grows for governments of the East to tackle such manifestations of overt hate, the ‘reverse racism’ argument becomes a way of reversing reality and maintaining the status quo in racially-segregated societies. The non-Roma majority are portrayed as the decent silent citizens, while the Roma are portrayed as violent and degenerate, unwelcome guests (the fact that they too are citizens is

³³ The former British Prime Minister Gordon Brown famously called for ‘British jobs for British workers’ and the German Chancellor, Angela Merkel, in her October 2010 Potsdam speech attacking multiculturalism, argued that immigrant workers should not be considered for jobs ‘until we have done all we can to help our own people to become qualified and give them a chance’.

rarely mentioned), who must be quarantined from the rest of society. Far-right parties explicitly link 'Roma criminality' to the darker skins of the 'Gypsies' or to their genetic inferiority and advocate racial segregation as the only solution. In the Czech Republic, a popular Workers Social Justice Party (DSSS) banner, reads 'Stop Black Racism'. In Hungary, Zsold Tyirityan, leader of the Outlaw Army spits out his hatred of the 'Gypsy who is genetically-coded for criminality'³⁴ and the leader of the far-right Movement for a Better Hungary (JOBBIK), calls for 'segregation' between the 'honest and dishonest', between the nation's 'builders and destroyers'. The framework in media and parliamentary discussion, though more subtle, is actually an updated version of discredited race theories, this time based on civilisational superiority. Particularly in the run up to elections, any media or parliamentary discussion on public security and crime quickly descends into a discussion of 'Gypsy terror' and 'Gypsy criminality', with Romani culture portrayed as a parasitical lifestyle-choice based on criminality, unemployment and welfare dependency.

In Hungary, the electoral victory for the centre-right Hungarian Civic Union (FIDESZ) in the 2010 general election (which also saw big gains for JOBBIK), came after FIDESZ promised to clamp down on crime and put the Hungarian victims of Gypsy criminality at the heart of the criminal justice system. Meanwhile, in the Czech Republic, the media seem to see nothing wrong in referring to the Roma as 'unadaptable' citizens (the term was coined by Heinrich Himmler, the architect of the Final Solution), thereby providing the framework for much public policy concerning the Roma. (In 2011, the mayors of 51 Czech communes held a conference in Nový Bydžov on the subject of how to deal with 'socially unadaptable citizens'). Public order policing is also influenced by this approach, with anti-Roma demonstrations seen as the mobilisation of decent citizens, provoked beyond endurance. Thus, the mainstream

34 Comments made during an anti-Roma rally in the western Hungarian village of Devecser. See *BBC News Online*, 1 September 2012, <http://www.bbc.co.uk/news/world-europe-19439679>.

argument reinforces the fascist point of view that ‘self-defence is an instinct that comes to formulation during emergencies and which is then followed up by conscious action’.³⁵ In the process, the use of lethal force against the Roma is legitimised.³⁶

The UN human rights advisor and former Council of Europe Commissioner for Human Rights Thomas Hammarberg points out that ‘distorted minds can and do understand’ the anti-Roma rhetoric of politicians and media as a ‘call for action’.³⁷ What we are now witnessing across the eastern region, but particularly in Hungary, is the resurgence of paramilitarism. The Civic Guard Association for a Better Future and the Outlaw’s Army Defence Force are just the better known of the new street militia which explain their illegal activities as a matter of legitimate self-defence. But as the violence against the Roma escalates and international opinion is mobilised, a patriotic twist is grafted on to ‘reverse racism’. In Hungary, for example, it is ‘the fatherland’ which has fallen victim to anti-Hungarian racism, and those who rally to the defence of the Roma are accused by FIDESZ of ‘trying to create a bad image for the whole country’.³⁸ Such thinking even informs the prosecution of

35 The phrase was used by Attila László, leader of the Civic Guard Association for a Better Future, at the anti-Roma rally in Devecser, as cited by the blogger, Contrarian Hungarian, 8 August 2012. See <http://www.bbc.co.uk/news/world-europe-19439679>.

36 It was no accident, argues Jakub Pólak in a piece for *Romea.cz*, that at least five Romani people died in violent circumstances in a six month period in the Czech Republic, as anti-Roma demonstrations in B eclair and Šluknov had encouraged people to take ‘some sort of imaginary justice into their own hands’ with the authorities showing ‘clemency to the perpetrators of crimes that target Romani people’. In the case of Ladislav Tatár Jr, Tanveld the public prosecutor immediately ruled that the killing did not constitute a felony, but was a case of necessary self-defence. See <http://www.romea.cz/en/news/czech/czech-state-prosecutors-fail-to-prosecute-shooting-of-romani-manstate-prosecutors-fail-to-prosecute-shooting-of-romani-man>.

37 As cited by Bernard Rorke, ‘Killing Time: The Lethal Force of Anti-Roma Racism’, *Open Society Voices*, 18 July 2012, <http://www.opensocietyfoundations.org/voices/killing-time-lethal-force-anti-roma-racism>.

38 After the sociologist Vera Messing accused the FIDESZ government of encouraging ‘white flight’, by allowing parents to withdraw their children from racially integrated schools, the Prime Minister’s spokesperson Judit Pach said that Messing was ‘trying to create a bad image for the whole country’. As cited in *Toronto Star Online*, 13 October 2012, <http://www.thestar.com/news/world/article/1270708--roma-in-hungary-feel-persecuted-but-they-have-nowhere-to-turn>.

hate crimes.³⁹ In fact, the Hungarian penal code does not mention ‘hate crime’ or ‘hate speech’ specifically, but uses the (supposed) legal equivalent category of ‘incitement against a community’ which covers acts motivated by bias and resulting from prejudice. From here ‘incitement against a community’ is broken down into a) crimes that incite public hatred of the Hungarian nation; and b) crimes that encourage hatred of a particular national, ethnic, racial or religious group within the population.⁴⁰

The Southern Variant

In southern Europe, there is also a continuum between the far-right view that ‘natives’ (decent, civilised, law-abiding) are the victims of ‘uncontrolled immigration’ (the criminal and the diseased) and mainstream political discourse. Once again, reality is reversed. The poor and persecuted of the world, trapped in southern European countries with meagre or non-existing asylum systems thanks to the inequities of the Dublin Regulations, are in the popular imagination invested with huge powers to conquer the region (and welfare) through irregular migration. There are also constant scare stories in the media about dramatically higher migrant fertility rates, thanks to their migration background in Africa or the ‘Muslim world’.

The far right appears to be trying to turn the clock back to the 1930s, when fascism was on the rise across Europe, by connecting the issue of migration to the racial, cultural and genetic inferiority of the migrants. Golden Dawn, the most explicitly neo-Nazi electoral party in Europe, has eighteen seats in the Greek parliament, and draws on the Hitlerite notion of *Untermenschen* when it describes immigration as a government conspiracy to turn Greece into ‘a wretched

39 In one case cited by the blogger, Contrarian Hungarian, eleven Roma, who had mobilised in self-defence after an escalation of racist attacks and murders (including that of a five-year-old child in Tatárszentgyörgy) were convicted of racially-motivated violence against Hungarians. The Roma were accused of acting in an atmosphere hostile to Hungarians and of preparing for a clash with Hungarians. In his summing up the judge asserted that the victims of the crime were the Hungarian nation. As cited by Contrarian Hungarian, ‘A Hate Crime Case from Hungary, Retried and Revisited’, 9 December 2011, <http://www.thecontrarianhungarian.wordpress.com/2011/12/08/a-hate-crime-case-from-hungary-retried-and-revisited/>.

40 Ibid.

protectorate inhabited by sub-humans, with no conscience, with no country, with no national culture'.⁴¹ (Similar sentiments are expressed by far-right nationalist forces in Cyprus.) But while other anti-immigration electoral parties, such as the Northern League (Italy) and the Platform for Catalonia (PxC, Spain), may not have such a clear Nazi resonance, they, too, seek to popularise a 'natives as victims' line. At election time, they propagate myths of 'reverse racism' through stories that claim that immigrants are forcing native children out of schools, receiving 'free medication', not paying taxes and getting the jobs which locals are refused.⁴²

These are the fables about migrant privilege and native generosity that inform popular debate and are reinforced by mainstream parties in election campaigns. They also affect the way laws are drafted, and the manner in which policing and welfare is applied in the southern European region. First, the idea of migrant privilege in accessing jobs and benefits is used to justify a major contraction of the welfare state to those marginalised constituencies. Migrant privilege is also used to justify deportation clampdowns that trample on human rights and breach international standards (such as the on-going Operation Zeus in Greece and the 2008 emergency decree that allowed for the summary expulsion of all 'Romanian immigrants' [read Roma] in Italy).

Second, those who assist migrants in desperate need can now find themselves treated as national traitors and prosecuted. Across Europe, laws already exist for penalising those who assist so-called 'illegal' immigrants, but to date they have not been deployed as a blanket tool to prevent humanitarian intervention. However, there is

41 The words are those of Golden Dawn spokesperson, Ilias Kasidiaris, as cited on *RT.com*, 25 August 2012, <http://rt.com/news/immigrant-rally-athens-violence-532/>.

42 For example, a complaint for incitement to racial hatred was lodged against the PxC in Sant Adrià de Besòs, near Barcelona, following the distribution of a highly inflammatory pamphlet which, amongst other things, referred to 'Arab children' who grab social welfare assistance and choose school places 'while we ourselves are assigned vacancies far from home', and alleged that Pakistani businessmen 'do not pay taxes and are not obliged to comply with norms'. As cited in *Migration News Sheet*, September 2011.

now a very real risk that this will happen in Greece, with its legacy of dictatorship (as well as Cyprus). (The inspiration for Golden Dawn's leader, Nikos Michaloliakos, came from the leaders of the 1967-74 military junta whom he met in prison). In Greece, there is a police culture sympathetic to fascism as well as an on-going violent suppression of the left. As the centre-right coalition – unwilling or incapable of suppressing Golden Dawn – treat those who allege that the police collude with the far right as unpatriotic (the Public Order Minister threatened to sue the *Guardian* newspaper for its anti-Greek reporting of the torture of anti-fascists in an Athens police station),⁴³ we run the risk that Golden Dawn's proposals may well end up on the statute books. Already the Public Order Minister attributes the rise of fascism to the number of irregular immigrants⁴⁴ and has brought in the most widespread stop-and-search operation in recent times, legitimising racial profiling on the streets, as potential 'illegals' are identified on the basis of skin colour and other visual markers of cultural difference. Golden Dawn demands, amongst other things, legal action against Greeks who employ or provide aid or housing to undocumented immigrants and NGOs which help migrants to be banned and immigrants to be removed from hospitals and schools.

The Western Variant

In many western European countries, such as the UK, France and the Netherlands, former colonial subjects were encouraged to migrate in the post-war period. In other countries, such as Germany and Austria, 'guestworkers' were recruited from poorer regions around western Europe such as Turkey and former Yugoslavia. In western Europe, it has taken several decades for Black and Minority Ethnic

43 The minister, Nikos Dendias, who has not followed up on his threat, promised 'to bring *The Guardian* to justice for slandering the police force and our country'. As cited in *The Guardian*, 26 October 2012, <http://www.guardian.co.uk/world/2012/oct/26/golden-dawn-greece-far-right>.

44 Dendias told the *Financial Times* that 'If the irregular migrants issue is being dealt with, I think there would not be much breathing space for the neo-Nazi phenomenon'. As cited in *International Business Times*, 19 October 2012.

(BME)⁴⁵ communities or the descendants of guestworkers, to establish themselves as citizens with equal rights – nor is the struggle to establish legal remedies against racial and religious discrimination by any means over. Today, whatever formal equality has been achieved is now under threat as the far right’s traditional ‘rights for whites’ message, is amplified by the extreme right’s argument that the rights of majority citizens have been eroded by excessive attention to the rights of cultural minorities (particularly Muslims). There are echoes too of both messages in the anti-multicultural rhetoric and nativist approaches adopted by centre-right politicians, as well as the arguments of popular writers and public intellectuals.

Centre-right politicians, such as the British Prime Minister David Cameron or the German Chancellor Angela Merkel now speak openly of the threat multiculturalism (which they associate with special privileges, group rights and failed integration policies) poses to national values. (If we become over-tolerant, Cameron implies, we end up being unpatriotic).⁴⁶ The reverse racism argument makes further inroads amongst a largely white middle-class electorate via dubious media exposure and the publication of equally spurious best-selling diatribes against multiculturalism and immigration. The arguments of the Social Democrat and former banker Thilo Sarrazin in *Deutschland schafft sich ab* (Germany Abolishes Itself) are by now well known. Over the last couple of years, the *Bild* newspaper and *Stern TV* have become fascinated with anti-white racism, as the German Federal Minister for Family, Youth and Seniors, Kristina Schröder (CDU) claims that ‘we are dealing with fundamentally hostile attitudes towards other groups – particularly against Germans and Christians. We need to act as decisively against this as against xenophobia’.⁴⁷ In his new book *Neukölln is everywhere*, Hans Buschkowsky (the mayor of this district of

45 While the terminology varies greatly across Europe, for the sake of consistency I use the term used in the UK.

46 See Fekete, Liz. 2011. ‘Understanding the European-wide Assault on Multiculturalism’. *IRR News Online*. <http://www.irr.org.uk/news/understanding-the-european-wide-assault-on-multiculturalism/>.

47 *Bild*, 2 November 2010.

Berlin) certainly rejects Sarrazin's nasty undertones about inferior racial and genetic stock. But in an argument that seems to rely on anecdotes and personal vignettes, Buschkowsky establishes that migrants who live in the neighbourhood of Neukölln are domineering, culturally discourteous and threatening in everyday encounters. He claims that such attributes are being developed precisely because an excessive attention to multiculturalism has allowed 'anti-German sentiments' to become dominant in communal living.⁴⁸

In France, the socialist study group Terra Nova predicts that ideological convergence between the mainstream right and the Front National (FN) will lead, sooner or later, to the creation of a broad right-wing alliance of 'patriots' which could keep the centre-left out of government for decades.⁴⁹ In fact, it is in France, where successive governments have done very little to address postcode discrimination and police victimisation of young people from the *banlieues*, where the most explicit strain of the white victimhood argument can be found. Arguments of reverse racism have been simmering for decades, as the 'black' and 'brown' inhabitants of the *banlieues* are treated as a threatening underclass, victimising the law-abiding white majority and the assimilated minority. Today, the Islamophobic tone of the debate is grafted onto its colour-coded contents. Foreboding stories emerge, warning of the threat Islam poses to France, such as the latest fable, spun by Jean-François Copé (the Union for a Popular Movement (UMP) mayor of Meaux who is a contender for the leadership of the UMP). Copé claimed that, in some neighbourhoods, 'a mother or father will come home from work in the evening to learn their son has had his *pain au chocolat* snatched out of his hand by thugs, telling him it is forbidden to eat during Ramadan'.⁵⁰ When observers pointed

48 Thanks to Sibille Merz for her translations, and bringing the book to my attention. See <http://www.stern.de/politik/deutschland/buschkowsky-buch-neukoelln-ist-ueberall-hast-du-problem-1898264.html>

49 As cited in *AFP*, 4 October 2012.

50 As cited on *France 24*, 26 October 2012. In a very telling protest, the Council for Democratic French Muslims distributed chocolate croissants outside the Paris Grande Mosque at the start of the Muslim feast of Eid al-Adha. The chocolate croissants - called 'Copé' - were made with the same ingredients as the classic '*pain au chocolat*' - but baked in the shape of a crescent.

out that Ramadan has fallen during summer holidays for the past two years, Copé's supporters insisted that he was calling attention to a genuine problem [of Islamisation by stealth] even if the details may have been apocryphal. Copé caused a further storm after more extracts from his new book were published in *Le Figaro*. There Copé, who claims that he is breaking taboos, stated that 'anti-white racism' was spreading through the country's towns and cities. Citing repeated complaints made to him by Meaux's white electorate, he concluded that 'an anti-white racism is developing in neighbourhoods of our towns where individuals – some of whom have French nationality – express contempt for French people, calling them 'Gaulois' on the basis that they are not of the same religion, the same skin colour or the same origins as them'.⁵¹ The FN, for its part, was angry at what it saw as a breach of *its* copyright over the 'anti-white racism' idea. 'It's cut and paste', declared the FN leader, Marine Le Pen, who had previously called for a law against anti-white prejudice, claiming that little old ladies were being terrorised with names like 'chalk face'.⁵²

In the UK, where 'rights for whites' has long been a slogan for street fascists, the 'reverse racism' thesis also has a long pedigree amongst intellectuals from what is widely referred to as the New Right. In the 1980s, a coterie of New Right ideologues (influenced by Friedrich Hayek) including Roger Scruton (founder of the Conservative Philosophy Group) and the philosophy professor Anthony Flew, launched a concerted attack on cultural pluralism/multiculturalism which they said had given rise to a 'reverse racism' and a cultural relativism which posed a threat to the unity of the British nation and its (superior) values and traditions.⁵³ Today, a number of Conservative Party think-tanks are re-popularising New Right ideas, though, just as in France, Islamophobia is now woven into long-standing themes. There is an increasing convergence between the 'whites as victims' message of the ultra-patriotic English

51 See *RFI*, 27 September 2012.

52 *Ibid.*

53 See Murray, Nancy and Searle, Chris. 2009. *Racism and the Press in Thatcher's Britain*. London: Institute of Race Relations.

Defence League (EDL), the reports of these think-tanks, and the editorial line taken by newspapers such as *The Times*, the *Daily Mail* and *The Sun*. According to Ryan Erfani-Ghettani, ‘the press provides the far right with the ‘facts on the ground’ to prove that justice works against the white British’.⁵⁴ From then on a powerful argument develops that rationalises cuts to the funding for anti-discrimination bodies on the grounds that a) equality legislation has gone too far, and is disadvantaging a beleaguered majority and, b) such legislation actually protects the wrong targets, because it is actually whites (particularly the white working class, who are themselves described as an ethnic minority) who are the victims of the ‘reverse racism’ of BME communities.

Such an argument has its variants in other western European countries geared towards challenging – and dismantling – anti-discrimination legislation. (This, of course, is the political goal of the anti-immigrant, anti-Muslim movements across Europe, as epitomised by cheerleader Geert Wilders.) And herein lies one of the most politically destructive elements of the ‘reverse racism’ thesis, with its everyday stories of white victimisation. For, in calling into question the fairness of EU Directives against discrimination, the protagonists (and unthinking followers) of the reverse racism/majority victimhood thesis seek to turn the clock back to a time when Europe’s treatment of minorities was shaped by a laissez-faire racism, where those from a minority background were discriminated against in the workplace, in housing, welfare and education, and existed, to all extents and purposes, on the margins of society, as second-class citizens, without rights and even the minimum of protections. Today, such forces have found a new standard-bearer in Elini Zaroulia (the wife of Golden Dawn’s leader Nikolas Michaloliakos) who, in October 2012, took up her seat on the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe.

⁵⁴ See Erfani-Ghettani, Ryan. 2012. ‘Strangers in our Own Land’. *IRR News Online*. <http://www.irr.org.uk/news/strangers-in-our-own-land/>

On Xenophobia and Nativism

By Dr Sindre Bangstad

As a social anthropologist by training, and a postdoctoral fellow at the Department of Social Anthropology at the University of Oslo in Norway, my background is in research on Muslims in post-apartheid Cape Town in South Africa, and Muslims in Norway. We are – I suppose – all shaped by certain formative experiences. For me, the formative experience that stands out in my childhood and teenage years was the struggle against apartheid in South Africa. I cannot have said to have played any role in that struggle, for it was limited to getting my parents never to fill the tank of the family car at Shell gasoline stations, boycotting South African oranges, and shouting abuses whenever the man known to generations of South Africans as *Die Groot Krokodil*, Pieter W. Botha, appeared on Norwegian television screens waving his pointed finger in warning against all and sundry. South Africa came to play an important role in my adult life as well, for it was through years of living and interacting with Muslims in the bleak zones of inclusion in post-apartheid South Africa's townships and informal settlements that I came to learn what it had meant for black and 'coloured' South Africans to live in a society in which the racism of powerful white elites and the state marked the contours of people's everyday lives.

I suppose one of the reasons why I was invited to the ENAR/OSF symposium was due to the fact that I am Norwegian, and because Norway experienced the extreme violence of a young man profoundly inspired by current extreme right-wing articulations of racism, xenophobia and Islamophobia on July 22, 2011. One would like to say that the terror attacks of that dreadful day have in its aftermath changed Norway for the better, but the fact of the matter is that they haven't. A national representative survey by the Holocaust Centre in Oslo presented in 2012 demonstrates that negative sentiments about Roma and Muslims in particular, but also Jews, remain

relatively widespread (HL-Centre, 2012). In July 2012, a prominent politician from the Norwegian populist right-wing party, the Progress Party (PP, which stands poised to form the next democratically elected coalition government in Norway in alliance with the Conservative Party), declared on his internet blog that he ‘hated Islam and Muslims’ (Bangstad, 2012). When Norway’s first minister in government of Muslim background, Ms Hadia Tajik, was appointed in October 2012, it took less than two weeks before the chairwoman of the PP attacked her with an all-too obvious reference to her Muslim background.

In the realm of the ENAR/OSF symposium, I was asked to talk about ‘nativism’ and ‘xenophobia’. According to my Oxford Dictionary of English, ‘xenophobia’ refers to ‘intense or irrational fear of people from other countries’, and nativism to ‘the policy of protecting the interests of native-born or established inhabitants against those of immigrants’. Since the very term ‘nativism’ has historical connotations to the US, it may be a slightly problematic term to apply to the present European context (Betz and Meret, 2009). It is also noteworthy that even though movements that mobilised in favour of such policies in the USA expressed the interests of WASPs or ‘White Anglo-Saxon Protestants’, nativism, though it is certainly ‘anti-immigration’, need not necessarily be racist and/or xenophobic. We could certainly think of situations and contexts in which a nativist, anti-immigration stance has not been overlaid with white racism. A case in point: in 2008, South Africa saw a wave of terror and extreme violence directed against people believed to have an immigrant background (the index of which was mainly, though not exclusively, darker skin colours than their black South African assailants, and/or speaking another language). These attacks, in which an estimated seventy-eight people were murdered in the most horrendous ways, and tens of thousands forced to flee from their homes, were qualifiably ‘nativist’ and ‘xenophobic’ (Hassim, Kupe and Worby, 2008).

But let me return to Norway and by extension, western Europe (since Norway, much as Norwegians have in the modern era liked to think that they are exceptional with regard to tolerance and anti-racism, is part and parcel of European developments in our time). What would the term ‘nativism’ mean in this context at present?

Norway, with a population of 5 million at present, was as the late Norwegian social anthropologist Marianne Gullestad was fond of pointing out (Gullestad, 2006), never a homogeneous society, though that was a cherished fiction in Norwegian nation-state formation in the modern era. Norwegians tend to be rather forgetful about this, swimming in a sea of petroleum revenue since the late 1960s, but Norway was historically an immigrant-exporting society. Mass immigration in Norway is a relatively recent phenomenon, starting with the arrival of labour migrants from countries such as Pakistan, Morocco, and Turkey in the late 1960s and onwards. These migrants, often emerging from the lower middle-class in their countries of origin, were never particularly welcome in Norway. This is evidenced by the Norwegian Immigration Stop, which was introduced in 1975 with cross-party political support to enforce a complete stop to the arrival of people from these countries (Brochmann and Kjelstadli, 2008). Yet Norway’s obligations under international human rights treaties and refugee conventions meant that ‘unwanted strangers’ continued to arrive, seeking asylum or family re-unification. The proportion of the Norwegian population which is of immigrant background is now at historically unprecedented levels, and it is no understatement to say that this has generated a series of political and social tensions in Norway. Some of these social and political tensions cannot simply be understood and explained with reference to racism and discrimination: parts of the historically underprivileged and mainly working-class Oslo East have in the course of only thirty years undergone a seismic social and demographic shift – to the extent that there are kindergartens and primary schools in which there are almost no white Norwegian children present. At the same time, the far more affluent Oslo West remains overwhelmingly white.

To say that this development, which has much to do with the kind of urban segregation generated by class and social status in an era of neo-liberal economic hegemony – is not necessarily in the interest of either ‘native’ Norwegians or Norwegians of immigrant or minority background is to state the obvious. But it is not white Norwegians of working-class background in Oslo East who hold the most negative views of immigrants and minorities in Norway. Those white Norwegians who are most likely to hold the most negative views of immigrants and minorities are in fact those least likely to have everyday contact with people of immigrant and minority background (Blom, 2008). If there is anything that social anthropological literature on ethnicity and ethnic relations can tell us, it is that such boundary-makings, expressed in ‘nativist’ and ‘xenophobic’ attitudes, are not innate, but are constructed in and through social and political processes (Barth, 1969). They are often constructed by social and political elites seeking to gain capital and clout out of such attitudes. There can be no doubt that in Norway, the populist right-wing party, the Progress Party (established in 1973 as an anti-taxation, anti-bureaucratic party) has been central to the construction, legitimation and popularisation of these sentiments and attitudes in Norway since 1987. Some of you may be aware of the fact that the Norwegian mass murderer of July 22, 2011 spent a total of ten years as a member of this party and its youth organisation, before turning his back on democratic means to achieve a halt to Muslim immigration (understood in terms of ‘conquest’ or ‘colonisation’ by Islam) to Norway. The PP made its first electoral breakthrough in 1987 after the legendary party chairman Carl I. Hagen read out a fabricated letter purportedly written by a Norwegian Muslim by the name of Mohamed Mustafa, in which the latter declared that Hagen and his party was ‘fighting in vain’ against the Islamic ‘colonisation’ of Norway through higher fertility rates. If you seem to recall having heard this particular rhetorical trope before, it is because it is absolutely central to the ‘Eurabia’ literature (Bat Ye’or or [Gisele Littman], Oriana Fallaci, Melanie Phillips, Bruce Bawer, etc.), which so inspired the Norwegian mass murderer of

22/7 (Brown, 2011). The PP discovered in 1987 that Islamophobia – or ‘indiscriminate negative attitudes or emotions directed at Islam or Muslims’ (Bleich, 2011) – paid off electorally; and from that point onwards it would get steadily worse (for an overview, see Bangstad, forthcoming). In 2004, the same Hagen declared to a Christian-evangelical congregation in Norway that Muslims were ‘training their small children to become suicide bombers in order to Islamise the world’; the party alleged to Norwegian tabloid media in 2005 that no less than thirty-thousand Norwegian-Pakistanis (incidentally, this number points toward more Norwegian-Pakistanis than actually existed in Norway at the time, with women and children included) were involved in a ‘secretive, and potentially violent network’; the party chairwoman launched the electoral campaign of 2009 with allegations that Norway’s 3.6% Muslims were involved in ‘stealth Islamisation’ of Norwegian society (a rhetorical concept originating in extreme right-wing milieus, see Døving, 2012). Some PP MPs wondered aloud about the need for new ‘crusades’ against Muslims on their Facebook pages; and central members of the PP in the capital of Oslo compared Muslims to ‘Nazis’. No surprise then, that by 2010, 54% of the Norwegian population, according to polls, supported the PPs’ calls for restrictions on particularly ‘Muslim’ immigration to Norway, whilst a full 61% of Norwegians polled declared that their greatest fear for the future was ‘conflict with Muslims’.

And extremism breeds extremism: in recent years, Norway has seen the emergence of strands of Salafism which includes radical jihadi-salafism as well as ultra-conservative but in principle non-violent puritanist-salafism among disgruntled and often marginalised Muslim youth. I do not want to suggest that these modern, ideological and profoundly problematic strands of Islamic thinking would not have been present in Norway without the political, social and intellectual climate generated by the public and media discourse on Islam and Muslims in Norway in the past ten years, but in as much as these strands appeal to an often simplistic need to ‘defend

Islam' among Muslim youth in Norway, it would be difficult not to concede that it may have been a factor.

To conclude, we should not underestimate the threat that 'nativist' and 'xenophobic' sentiments and attitudes of extreme right-wing actors may pose to individuals of minority background in Norway or elsewhere in Europe. Yet in Norway at least, the mobilising potential of extreme right-wingers is quite limited. The main threat to the rights to dignity and equal citizenship of people of minority background in Norway comes not from these actors, but from the seemingly rather successful attempts by populist right-wing (and other) political formations to mainstream, legitimise and naturalise 'nativism' and 'xenophobia'. In recent years, these formations have been able to broaden their appeal significantly by appropriating a liberal-inflected nativist discourse, positing themselves as defenders and inheritors of liberal virtues and values such as freedom of expression, gender equality and gay rights as opposed to immigrants in general, and Muslims in particular. This liberalism has little, if anything, to do with historical liberalism in Europe. Through the influence it can muster in the coercive apparatuses of the state and civil society, it 'invites' immigrants and minorities to become liberals and embody liberalism, without offering any reciprocity on the part of the 'native' population in terms of liberal tolerance for alternative ways of being and living. In terms of discourse, there is no sharp delineation between extreme and populist right-wing discourses on Muslims and Islam in Norway or western Europe (Bangstad, forthcoming). The actors involved in promoting and propagating 'xenophobia' and 'nativism' are more co-ordinated and effective transnationally than ever before, due to the new media environment, the facility of internet communication, and the cross-political and cross-sectional appeal of their messages. Another lesson from Norway: those who hold indiscriminately negative attitudes towards one minority group are also more likely to hold negative attitudes towards other minority groups: it is no coincidence that PP voters in Norway hold the most negative views of Roma, Muslims

and Jews (HL-Centre, 2012). It is therefore crucially important to co-ordinate activism designed to counteract these developments across borders and contexts, and to create alliances as broad and efficient as feasible.

References

Bangstad, Sindre. 2012. 'After Anders Breivik's conviction, Norway must confront Islamophobia'. *The Guardian*, 28 August. Available at: <http://www.guardian.co.uk/commentisfree/belief/2012/aug/28/anders-breivik-norway-islamophobia-muslims>.

Bangstad, Sindre, forthcoming. 'Signposts on the Road to Utøya: On the Intersections Between Extreme and Populist Right-Wing Discourses on Islam and Muslims in Norway'. Accepted for publication in *Nordic Journal of Migration Research*, 2013.

Barth, Fredrik. 1969. 'Introduction'. In Barth, Fredrik (ed). *Ethnic Groups and Boundaries*. Boston: Little, Brown & Co.

Betz, Hans-Georg and Meret, Susie. 2009. 'Revisiting Lepanto: The Political Mobilization Against Islam in Contemporary Western Europe', *Patterns of Prejudice* 43 (3-4): 313-334.

Bleich, Erik. 2011b. 'What is Islamophobia and How Much Is There? Theorizing and Measuring an Emerging Comparative Concept', *American Behavioral Scientist* 55 (12): 1581-1600.

Blom, Svein. 2010. *Holdningertilinnvandrereoginnvandring 2010* [Attitudes to immigrants and immigration]. Oslo: Statistisk Sentralbyrå [Statistics Norway].

Brochmann, Grete and Kjelstadli, Knut. 2008. *A History of Immigration: The Case of Norway 900-2000*. Oslo: Universitetsforlaget.

Brown, Andrew. 2011. 'Anders Breivik's spider web of hate'. *The Guardian*, 7 September. Available at: <http://www.guardian.co.uk/commentisfree/2011/sep/07/anders-breivik-hate-manifesto>.

Døving, Cora A. (2012). 'Norgesnikislamiseres' ['Norway is Being Islamised by Stealth']. In Indregard, Sigve (ed). *Motgift: Akademisk Respons på den nyehøyreekstremismen* [Counter-poison: Academic Responses on the New Right-wing Extremism]. Oslo: Flamme/Manifest Forlag: 87-96.

Gullestad, Marianne. 2006. *Plausible Prejudice*. Oslo: Universitetsforlaget.

Hassim, Shireen, Kupe, Tawana and Worby, Eric (eds). 2008. *Go Home or Die Here: Violence, Xenophobia and the Re-invention of Difference in South Africa*. Johannesburg: Wits University Press.

HL-Centre. (2012). *Antisemittisme i Norge? Den norske befolkningens holdning til jøder og andre minoriteter* [Anti-Semitism in Norway? The Attitudes of the Norwegian Population towards Jews and Other Minorities]. Oslo: The HL-Centre. Available at: <http://www.hlsenteret.no/publikasjoner/antisemittisme-i-norge>.

Section 2:

Holding States to Account and the Role of Civil Society

Institutionalised Racism in Germany: Law Enforcement

By Eddie Bruce-Jones

Germany is currently in a very difficult period in regard to race relations. Racism is a difficult concept to discuss in a legal-administrative capacity due to a lack of recognition of structural or institutional racism. Additionally, the term 'race' (German: 'Rasse') has associations in German with the biological race-thinking of the Nazi era, which stifles clear and candid dialogue about certain forms of contemporary racism.

Recently, fierce debate on racial profiling has been brewing over the last year in Germany following a lower administrative court decision in Koblenz. In 2010, a young man of German nationality was singled out on the basis of his black skin for an identity check on a train during his regular commute. This was not the first time, he was frequently asked to produce his identity card. After some back and forth, the police were insistent that he show his identification, and he remarked that these techniques reminded him of something. When pressed to elaborate, he said they reminded him of 'SS methods'. The police brought him to the police station and following the incident brought a slander lawsuit against him. He countersued, alleging that they had racially targeted him. The March 2012 appeal judgment of the Upper Regional Court of Frankfurt am Main held that the young student was not guilty of slander because he had a reasonable critique of the profiling as 'SS-methods' and did not intend to insult the police, but rather to use biting language to call for solidarity from fellow passengers.⁵⁵ However, the Administrative Court of Koblenz had just ruled the month before that such police practice of relying on racial indicators for targeted identity checks was a permissible practice, because it was weighed against an ostensibly minimal violation of rights (gaining access to personal data).⁵⁶

55 20.3.2012, 2 Ss 329/11.

56 28.2.2012, Az. 5 K 1026/11.KO.

Only in October 2012 did a decision of the Upper Administrative Court of Rheinland-Pfalz in Koblenz strike down the February 2012 Koblenz decision that has haunted Germany over the better part of a year.⁵⁷ Activists have heralded this as an affirmation of the fight against racism in the Federal Republic.

However, those concerned with institutional racism in Germany also know that the struggle does not end with a favourable verdict. Rather an honest conversation about racism can finally begin with the traction of such decisions. In legal cases and the everyday administrative experiences of people living in Germany, such institutional practices as racial profiling are not as immediately legible to many as impermissible racial discrimination. Everyday racism, particularly everyday institutional racism, is obscured and difficult to decode and describe within pre-existing legal language. 'Real' racism is seen to take the form of right-wing extremism, not police, administrative or judicial actions.

The Oury Jalloh case is one instance where institutional racism has emerged as a constant theme, along with other themes, such as victim support, activist intimidation, and institutional silence.

The Death of Oury Jalloh

7 January 2013 will mark the eighth year since the death of Oury Jalloh, a man who burned to death in a holding cell of the police station in Dessau, Germany.

On the same day in 2005, Jalloh, intoxicated in the early hours of morning after a night at the disco asked city employees if he could place a call from their mobile phones, and was reported to the police as a nuisance. The police arrived, arrested Jalloh, brought him to the police station, whereupon an officer and a doctor drew blood from him, and then two officers put him into four-point restraints

⁵⁷ 30.10.2012, Az.: 7 A 10532/12.OVG. See 'Polizeiliche Personenkontrollen aufgrund der Hautfarbe unzulässig', *Migazin Migration*, 30 October 2012, available at <http://www.migazin.de/2012/10/30/polizeiliche-personenkontrollen-aufgrund-der-hautfarbe-unzulässig/>.

and fixed him to a fire-proof mattress in a tiled room. Hours later, a forensics examiner would stand above Jalloh's body, capturing a video image of him, much of his skin carbonised, his medium frame in fencer's position, ravaged by the blaze that had engulfed him. What happened between Jalloh's arrest and his death is difficult to say. At some point he acquired a broken nose and a burst eardrum. At some point, the police were aware of a fire from the alarm that went off and the screams from the two-way radio. Someone was reported to be in the cells with Jalloh before his death.

From a common-sense perspective, this should have prompted a number of questions, many of which were not asked. From a legal perspective, missing evidence makes it difficult to fully construct a viable, corroborated narrative analysis of what happened. From a victim-centred perspective, the truth is a feeling and an intuition that has no place in the courtroom, which is limited to the little remaining physical evidence. Jalloh's death is assumed to have been a suicide in the trial, and the police are assumed to have acted negligently. The more uncomfortable question is not asked by the court – what if this was not a suicide? Jalloh's mother, who passed away in May 2012, after over seven years of waiting for this question to be considered, will never know its answer.

Aside from remnants of a lighter ostensibly found in the cell,⁵⁸ there is no physical evidence that Jalloh's death was a suicide.

The Harrassment of Mouctar Bah

7 January 2013 will mark one year since activist and friend of Jalloh's, Mouctar Bah, was brutalised by police and knocked unconscious, in an effort by police to regulate the messaging of activists regarding the trial. Police have harassed Bah in his cafe in

⁵⁸ The lighter is seen as very controversial because it emerged only three days into the forensic examination of the contents of the cell, it was smouldered rather than shattered from explosion, and the video footage that would have revealed the lighter to have been in the cell before the cell was emptied is not available – the latter is also, itself, a source of controversy.

Dessau on multiple occasions, which has been reported consistently in the media and press releases by activists. In essence, Bah has not been treated by authorities as an individual working for the betterment of society in general, despite having been awarded the Carl von Ossietzky Medal for his activism by the International League for Human Rights, based in Berlin. He is treated as a problem.

Bah represents a number of activists attempting to raise very serious questions about racism and police brutality in Germany. They, like him, are viewed as trouble-makers, implicated in illegal activity, targeted by police as suspect and a threat to various state institutions. Among the activists involved with the Jalloh trial, it is often the black activists who are harmed and harassed – stopped and checked by police near the courthouse, removed from the courtroom and injured, and beaten the most seriously at demonstrations, particularly the demonstration on 7 January 2012.

Prospects for Change and Enhanced Communication

There are a number of elements that one must consider when contemplating how to deal with the various interconnected problems outlined above. Some elements concern specific legal interventions, while others involve wide-reaching shifts in social thought.

First, the lack of language that adequately or honestly describes racism and similar forms of disenfranchisement means it is difficult to navigate or even discuss this issue. The issue of racial profiling in the context of intimidation of activists pushing for legal change has, in the case of Jalloh's trial, been obscured by the context of police attempts to control a group of activists more generally, where racial background is not explicitly the cause of the adverse treatment by police. In legalistic terms, this means that the treatment is not directly discriminatory vis-a-vis race, but rather that the treatment disparately impacts those of certain racial groups – a concept that is not fleshed out in German racial anti-discrimination law.

The United Kingdom has gone through a series of stages with respect to recognition of institutional racial discrimination, specifically pertaining to police conduct. In the early 1990s, in response to the famous Brixton Riots, an investigation prompted by civil society produced a report that indicated generally that racist incidents on the part of the police during the riots were caused by individual actors who held racist beliefs and abused their positions as officers. This was only part of the phenomenon, and a decade later, another report was issued, this time in relation to police failures regarding a case in which an 18-year-old teenager, named Stephen Lawrence, was killed in a racially-motivated attack. This second report was called the Macpherson Report, and it defined institutional racism as the following:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.⁵⁹

This term was very significant for the implementation of reform within the police force,⁶⁰ and has become a socially-relevant term for other institutions in the UK. A question for Germany could be whether it is ready to be clear about the various types of institutional discrimination that non-white and non-German people face when interfacing with the police or pushing for social change. Indeed, the Oury Jalloh case demonstrates not only that Jalloh may have experienced a fate that someone who is not racially or otherwise socially marginalised may have been spared, but that the activists who wish to bring Jalloh's situation to light are victimised, and among them, the black activists most of all.

59 Home Office. *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262-I, February 1999, para. 6.34.

60 House of Commons Home Affairs Committee. *The Macpherson Report – Ten Years on*, Twelfth Report of Session 2008–09, 22 July 2009, paras.15-17.

Second, it may be worthwhile for Germany to devise an organised institutional response to police brutality and to enable prosecution in cases of disproportionate police violence. Jalloh's death is not the first death of a person of colour in Germany in the custody or direct control of the police, and certainly not the only one that has not been prosecuted as manslaughter or murder. Jalloh's death was one of very few notable custodial deaths prosecuted. In just a little over a decade, two black women and a black man have been fatally shot by police under circumstances that seem inappropriate (Mareame Sarr, Aschaffenburg 2001; Dominique Komadio, Dortmund 2006; and Christy Schwundek, Frankfurt am Main, 2011), two black men have been drowned during the police administration of emetic in the form of a water hose forced into the throat (Michael Paul Nwabuisi, Hamburg 2001 and Laye-Alma Conde, Bremen 2005), an Egyptian man was critically injured, shot by police in a courtroom when trying to rescue his wife from being stabbed by the defendant (the wife, Marwa El-Sherbini, died and husband, Elwy Ali Okaz, survived, Dresden 2008), and recently, a man who complained of severe chest pains was put into handcuffs and into a police car instead of being rushed to the hospital, where he died (Ousman Sey, Dortmund 2012). These deaths are quite striking for many in Germany, largely because no one has been held accountable for them and because it would be difficult to imagine white German citizens having the same experiences with police.

Would a type of independent police complaints commission be a workable policy change that Germany could institute? Could there be a mandatory inquest procedure put in place after deaths in police custody, or at least one available on the election of an aggrieved family or civil institution, in order to bring Germany in line with its obligations under Article 2 of the European Convention of Human Rights?

Third, the German government could take steps to ensure that a victim-centred approach is taken to murder cases, ensuring that those with questions about the death of a loved one are consoled and answered. If an inquest procedure is for some reason out of the question, and those questions are not answered in a formal court, they should be addressed with some sort of investigation. The worst possible response, it seems, is to crackdown harshly on activists, friends, and family of those who are unfortunately brutalised or killed by agents of the state, meant to protect the public. This includes repression of demonstrations, general harassment, threatening slander lawsuits for allegations of racist behaviour or disproportionate violence, and intimidation in and around the court hearings.

In summary, it is very important that the people of Germany begin to speak honestly and openly about institutional racism, police brutality, and the treatment of marginalised groups. Though I have focused here on examples that have affected black and refugee communities, the issues are structural and apply to any marginalised and targeted groups.⁶¹ One must think carefully and creatively about how to develop an ethic of fully addressing these issues, committing to social prevention through empowering anti-racist education and to breaking the silence around the taboo of racial prejudice in Germany. Equally, one must contemplate legal and political reforms that help make victims of such brutality whole again.

61 Tahir Della, national director of the *Initiative Schwarze Menschen*, discusses the relevance of the racial profiling issue for non-black people in Germany. See 'Menschen werden öffentlich bloßgestellt', *Frankfurter Rundschau*, 30 October 2012. Of racial profiling, Della remarks: 'We work, for example, closely with the Central Council of the Sinti and Roma. It affects all people that are not marked as German. And that is a very large group. It happens in trains, in train stations, in airports, or on the highways, by so-called random checks. Our campaign against racial profiling shows, that the white majority society largely does not know what discrimination actually takes place in their country, although it is visible. When someone is controlled in a train, people can notice it if they want to, and there are some, also some white people, who protest against that'. [Translation by author].

Thinking the Unthinkable? Thoughts about Racist Offenders Offered in the Conclusion to the Varieties of European Racism(s) Symposium

By Dr Paul Iganski

It might perhaps be difficult for those working to support victims of racism to consider that some of the offenders might need support too. After all, because victims of racist crime still do not receive an appropriate response from criminal justice agencies in many states, NGOs try to fill the gaps by providing much needed support and advocacy for victims. They also lobby for effective responses by criminal justice systems – which include providing offenders with justice for their actions. A particular retributive response to racist and xenophobic offenders is institutionalised at European level. The 2008 EU Council Framework Decision on ‘combating forms and expressions of racism and xenophobia by means of criminal law’ seeks to harmonise the criminalisation of racially motivated conduct by specifying that ‘Member States shall take the necessary measures to ensure that racist and xenophobic motivation is considered an aggravating circumstance, or, alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties’. The wielding of greater punishment in racist crime provides the offender with justice for their crimes. Greater punishment is an acknowledgement of the greater hurts inflicted by racist crime when compared with otherwise identical crime which occurs for another reason than the victim’s skin colour or some other characteristic of their identity.

Most victims of crime suffer some psychological and emotional trauma, and in the case of racist crime and other so-called ‘hate crime’, a body of evidence has accumulated from research in a number of countries, which has evidenced in-depth the harms and impacts felt by victims. Research evidence also clearly indicates that

on average victims of racist crime (and other forms of ‘hate crime’) are more likely than other victims to report such effects. Victims of racist crime are more likely, when compared with victims of parallel crime, to report post-traumatic stress type symptoms of shock, fear, depression, anxiety, panic attacks, loss of confidence, and feelings of vulnerability. The type of crime experienced doesn’t seem to make a difference to the psychological and emotional impacts reported, as the same pattern of difference between victims of racist crime and victims of parallel crime holds even when controlling for the different types of crime.

Why might this be the case? While in general, victims of crime might find some solace in thinking that ‘what happened to me could have happened to anyone’, victims who are targeted because of some aspect of their identity come to recognise that what happened to them happened because of who they are. And they carry the reasons for their victimisation around with them. Because of this, they might not only think ‘if it happened once it could happen again’, but the crime can serve as a painful reminder of what lies behind the offender’s actions. Such crimes can be perceived as message crimes, whether the offender intended to send a message or not. The message conveys particular sentiments and attitudes about the group or community with which the victim is identified. After an initial shock period the realisation of the message will begin to sink in. For victims of racist crime from minority communities, this realisation will closely resonate with, and be compounded by, their knowledge of the history of stigmatisation and marginalisation affecting their community.

Given what has just been unravelled about the impacts upon victims, it might seem insensitive to suggest that arguably many offenders in racist crimes will not anticipate, think-through, or even appreciate such consequences. While it is likely that they intend to inflict some hurts, it is also likely that many will not anticipate the extent and depth of hurt they inflict. There is no one type of offender of course,

and there are many offenders who do think before they act by planning and carrying out premeditated racist attacks. Some of these we might label 'extremists', as extreme ideologies might motivate and fuel their actions. But there is a danger in too quickly attributing all racist crime to extremists. For many other offenders, their crimes will be expressive acts, occurring on the spur of the moment when the opportunity arises or when they have been triggered by a perceived slight, a grievance, a minor conflict characteristic of the routine incivilities of everyday life.

The term 'hate crime' has been popularly coined as a label for racist crimes and other crimes which occur because of some aspect of the victim's identity – such as their religion, sexual orientation or a disability. The notion of 'hate crime' has served as a powerful banner for activism against such crimes and for coalitions of civil society and governmental actors seeking to challenge discriminatory violence. However, arguably, the very notion of 'hate crime' is fundamentally flawed. Most so-called 'hate crime' offenders do not hate their victims. Practitioner experience suggests that 'hate crime' offenders' actions are fuelled by a variety of impulses – anger, resentment, frustration, retaliation, revenge, thrill-seeking or fun – rather than being solely, or even mostly, motivated by bigotry. And practitioner experience of working with hate crime offenders also suggests that many offenders have chaotic and disadvantaged lives and that such disadvantage often provides the context for their offending. There is a problem then, in that the term 'hate crime' homogenises offenders into a single category of 'haters'. By the foregrounding of 'hatred', offenders are effectively dehumanised, stripped of their social and emotional deficits, their disadvantages, frailties, weaknesses and needs, which often provide explanations for their offending. Offenders' impulses are also dramatised and marginalised with the effect that they are pathologised as being beyond redemption. Hatred is an extreme sentiment. It is hardly surprising, therefore, that offenders might be regarded as extremists, an aberration, confined to the margins of society. A retributive

response is encouraged towards offenders. However, arguably, many offenders emotionally express sentiments of prejudice that are intricately woven into the socio-cultural fabric of many societies rather than manifest persistent and enduring sentiments of hatred. The challenge is to contemplate that many offenders are not an aberration and not beyond redemption. A degree of understanding and acceptance is necessary for dialogue with some offenders, rather than rejection and condemnation. This potentially opens up the opportunity for constructive engagement for work with offenders to redeem them from the prospect of future offending and by consequence reduce future victimisation.

References

Council of the European Union. 2008. *Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law*. Available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>.

Influencing Racist and Xenophobic Attitudes in Europe – The Dutch Equality Body Perspective

By Dick Houtzager

Equality Bodies in Europe

European legislation and in particular the Racial Equality Directive (RED),⁶² requires Member States to designate bodies for the promotion of equal treatment. In the European Union, a variety of equality bodies have been established. Some of these have long histories while others have been set up more recently. The purpose of the RED is to establish a set of legal and other measures in the Member States in order to ‘allow the participation of all persons irrespective of racial or ethnic origin’.⁶³

Equality bodies should have the competence to analyse the problems involved, to study possible solutions, and to provide concrete assistance for the victims.⁶⁴ These requirements have been laid out in article 13 of the RED. This provision states that equality bodies must provide independent assistance to victims of discrimination, conduct independent surveys concerning discrimination, publish independent reports, and make recommendations on any issue relating to such discrimination. Because of its broad wording, the article leaves much discretion to the Member States in how they set up these institutes.

Two general types of equality bodies can be distinguished in the EU (Ammer, M. et al, 2010). Some are predominantly *tribunal-type* equality bodies, which are given the legal powers to investigate and decide on individual cases. Most of these are also involved in

62 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Article 13 of the RED requires Member States to establish a specialised body for the promotion of equal treatment.

63 Recital 12, Preamble of Council Directive 2000/43/EC.

64 Recital 24, Preamble of Council Directive 2000/43/EC.

research and advisory projects, as well as in awareness raising activities. An example is the Dutch equality body, the former Equal Treatment Commission, now the Netherlands Institute for Human Rights (NIHR).⁶⁵ Others are predominantly *promotion-type* equality bodies, which carry out a number of activities such as research, giving information, raising awareness, providing assistance to individual complainants. There is no significant difference in the way promotional activities are carried out by either type of equality body (Ammer, M. et al, 2010: 101).

In some cases, equality bodies limit their work to the scope of the Directives (employment, vocational education, and the provision of goods and services). Other equality bodies have a wider mandate to prevent and react to expressions of racism and hate. Of the latter type, two examples can be mentioned here. One is the Belgian Centre for equal opportunities and opposition to racism,⁶⁶ which has the legal power to submit a complaint about expressions of racial hate to the public prosecutor. The Centre also has a desk that combats racism on the internet. The Centre can give notice to a webmaster about punishable hate speech on a website and can request its removal.⁶⁷ A second example is the Romanian National Council to Combat Discrimination. Under certain conditions, the Council can impose fines on perpetrators of hate speech.⁶⁸

Impact

The following section examines the question of whether equality bodies are able to impact racist and xenophobic attitudes in society and specifically whether they can counter racist hate speech in

65 In October 2012, the Equal Treatment Commission was abolished. The organisational structure was incorporated in the new Netherlands Institute for Human Rights. The Institute carries out all tasks of the former Commission, including investigating individual complaints about unequal treatment. See www.mensenrechten.nl.

66 See www.diversiteit.be/index.php.

67 The Centre can only act against websites hosted in Belgium. The scope for international co-operation will be limited, because Belgium has not yet ratified the Additional Protocol to the Convention on Cybercrime, concerning racism (<http://conventions.coe.int/Treaty/en/Treaties/Html/189.htm>).

68 See <http://www.cncd.org.ro/home-page/>.

the public sphere. There are two issues at stake in answering this question.⁶⁹

Firstly, only a limited number of equality bodies have a mandate to intervene in the area of (public) hate speech. The examples from Belgium and Romania were referred to above. Other equality bodies may intervene only in areas where they have competence, which is in most cases the areas listed in article 3 of the RED. These generally comprise employment, social services, education, and the provision of goods and services. Where hate speech occurs in these areas, equality bodies may launch investigations and make interventions according to their specific mandate.

Hate speech in these areas falls within the scope of the RED, because it is seen as a form of harassment. Article 2 (3) RED defines harassment as ‘unwanted conduct related to racial or ethnic origin (if it) takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment’. Because these conditions are strict, some instances of hate speech may not be considered harassment. However, they may fall under the definition of ‘working conditions’ in article 3 (1 c) RED. According to this provision, an employer or service provider has the duty to provide for a workplace free from discrimination. The responsibility of the employer includes carrying out a proper investigation into the conduct, taking appropriate measures if relevant such as issuing a warning or a sanction, as well as carrying out a meaningful follow-up of such an investigation. If this is below par, then a court or tribunal may find a violation of the RED.

An example is the situation of an employee working as a security officer in a youth detention centre in the Netherlands. He complained about racist jokes and remarks by colleagues and about the

69 The question of whether the institutional set-up of equality bodies has an influence on their effectiveness is left out of this contribution. For more information, see Equinet, 2012.

fact that his internal complaint had not been dealt with properly. The Equal Treatment Commission found that the employer had violated the equal treatment law, because the supervisors had failed to take action against the jokes and remarks, although they knew what was going on. Furthermore, the internal complaint was not properly investigated and dealt with.⁷⁰

A second issue is the fact that only a small number of racist incidents, including hate speech, is brought to the attention of equality bodies. Relatively few victims inform these bodies about their experiences with racial discrimination. In this area, more needs to be done to encourage victims to file a complaint.⁷¹

Studies have shown that many (potential) victims lack knowledge about their rights. Furthermore, few persons who are confronted with racism and discrimination know about the existence of equality bodies. Many fail to recognise discrimination or are reluctant to report it. A study (European Union Agency for Fundamental Rights, 2009) showed that almost two-thirds of respondents, who had experienced discrimination, thought that reporting an incident would make no difference. 40% stated that the experience was normal or too trivial to report, 26% said they were concerned about negative consequences and 14% even feared intimidation by the perpetrators. A further deterrent that was mentioned was the costs of judicial proceedings (such as court fees and lawyers' fees, or the principle that the 'loser pays' the costs of both sides) (European Union Agency for Fundamental Rights, 2010: 12).

On the other hand, there are examples where an influence on public attitudes is visible (Ammer, 2010: 134). The publication of cases as well as awareness raising activities have made employers and service

70 Equal Treatment Commission, 5 June 2012, opinion no. 2012-101. Similarly: Equal Treatment Commission, 25 March 2010, opinion no. 2010-50, where a primary school violated the law by not properly investigating a pupil's complaint about racial abuse by class mates.

71 The need for data collection is stressed in European Union Agency for Fundamental Rights, 2012.

providers change policies and regulations. One example is the case of a swimming centre in the Netherlands. Staff of the centre told a woman that she was not allowed to swim in a swimsuit that covered her entire body. When she refused, she was told to leave the centre. She requested an opinion from the former Equal Treatment Commission, stating that this type of swimming suit was based on her Islamic religious conviction. The Commission found that the swimming centre had discriminated against her on the ground of religion. After the opinion was issued, the centre apologised to the woman and offered her free admission. It also adapted its admission policy.⁷²

Experience in the Netherlands

With the rise of populism in the Netherlands since 2001,⁷³ many people have felt less restricted in the way they express themselves about immigrants. This has led to public insults of minority communities and to hate speech. Where, for a long time, the Netherlands has been perceived as tolerant and open to immigrant cultures, the effects of the emergence of the political movements around Pim Fortuyn and later Geert Wilders were significant (Kessel, 2010). In the wake of their political rise, populist rhetoric became more and more accepted, both in politics as well as in society. The wider availability of the internet, with its almost guaranteed anonymity, has further been instrumental in the spread of populist and xenophobic expressions. Hate speech has also found its way in the workplace, into schools, sports facilities and other organisations. Hate speech may manifest itself in these areas in the form of abuse by colleagues, superiors, classmates or teachers. There are indications that discriminatory interactions in work settings have had an adverse effect on career development of minorities (Siebers and Dennissen, 2012). In cases where expressions amount to harassment or a violation of proper working conditions, they can come under the scrutiny of the Netherlands Institute for Human Rights.

72 Equal Treatment Commission, 4 October 2010, opinion no. 2010-145. The opinions of the Commission (now the Institute) are not legally binding. However, in more than 70% of the cases the responding party took action to redress the situation.

73 For a political analysis, see Vossen, 2010.

As far as influencing attitudes, I see two roles for the Netherlands Institute: a specific role in individual cases and a *generic* role in promoting equal treatment.

In specific individual cases, the Institute has several opportunities to influence attitudes. In the hearing, which is generally part of the complaints procedure, a respondent may be confronted with the harm felt by the victim. Secondly, the written opinion that concludes the case, always describes the legal standard against which the treatment is weighed; this exercise makes the equal treatment norm concrete and has an informative and awareness raising aspect. As mentioned before, in the majority of cases, the respondent takes individual or general measures to redress the situation. Often internal rules and regulations are adapted to prevent discrimination in the future. Furthermore, the opinion is published on the website of the NIHR. Thus, legal requirements are accessible to the general public. Publication rules allow the Institute to publish the name of the respondent. Lastly, an opinion may be sent to the responsible ministry, trade union or employers' organisations or other civil society organisations. This last aspect, the mobilisation of shame, has considerable impact.

The generic role the Institute plays in influencing attitudes can be illustrated by an awareness raising campaign that was carried out by the Institute's predecessor. It initiated a publicity campaign aimed at employers. Its goal was to increase employers' awareness of the role of stereotypes in recruitment, selection and working conditions. The Institute also raises issues at international level. It has submitted shadow reports to international organisations and UN treaty bodies, including a recent submission for the Universal Periodic Review of the Netherlands.⁷⁴

⁷⁴ See <http://www.mensenrechten.nl/sites/all/themes/cgb/other/UPRsubmissionTheNetherlandsMay2012doc.pdf>.

Conclusion

In their capacity to promote equal treatment, equality bodies have opportunities to influence stereotypical and racist attitudes. There is a variety among these bodies, with some having a mandate to act against public hate speech and others with only a mandate to act in the areas determined by the Racial Equality Directive. The variety in types of bodies, from tribunal type to promotion type, makes it difficult to draw conclusions as to the actual impact they have. Another limiting factor is that victims of discrimination are often unable to find and utilise the services of the equality bodies. However, there are examples of interventions by these bodies, which illustrate that they do have an impact on attitudes. Furthermore, as the example in the Netherlands shows, through their regular work either as a tribunal or in promotional activities, equality bodies can have an effect by highlighting legal standards with regards to hate speech at work, in education, and in the provision of goods and services.

References

- Ammer, M. et al. 2010. *Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC*. Utrecht: Human European Consultancy. Available at: <http://ec.europa.eu/social/BlobServlet?docId=6454&langId=en> (accessed 1 November 2012).
- Equinet. 2012. *Equality Bodies – Current Challenges*. Brussels: Equinet. Available at: http://www.equineteurope.org/IMG/pdf/Current_Challenges_Perspective_MERGED_-_EN.pdf (accessed 1 November 2012).
- European Union Agency for Fundamental Rights. 2009. *EU-MIDIS at a Glance: Introduction to the FRA's EU-wide Discrimination Survey*. Luxembourg: Publications Office.
- European Union Agency for Fundamental Rights. 2010. *EU-MIDIS, Data in Focus 3: Rights Awareness and Equality Bodies*. Luxembourg: Publications Office.

European Union Agency for Fundamental Rights. 2012. *The Racial Equality Directive: Application and Challenges*. Luxembourg: Publications Office.

European Union Agency for Fundamental Rights. 2012. *Making Hate Crime Visible in the European Union: Acknowledging Victims' Rights*. Luxembourg: Publications Office.

Kessel, S. van. 2010. 'Different Faces, Same Logic: Explaining the Electoral Performance of Populist Parties in the Netherlands and Poland'. Paper for *Het Politicologenetmaal*, Leuven, Belgium, 27-28 May 2010: 5-7. Available at: <http://soc.kuleuven.be/web/files/11/72/W07-14.pdf> (accessed 16 October 2012).

Vossen, K. 2010. 'Populism in the Netherlands after Fortuyn: Rita Verdonk and Geert Wilders Compared'. *Perspectives on European Politics and Society* 11 (1): 22-38. Available at: <http://www.tandfonline.com/doi/abs/10.1080/15705850903553521> (accessed 1 November 2012).

Siebers, H. and Dennissen, M. 2012. 'Traces of Hate: How the Dominant Migrant-hostile Discourse in Dutch Media and Politics Influences Inter-ethnic Relations between Employees in Dutch Work Settings'. *Tilburg Papers in Culture Studies*, Paper no. 31. Tilburg: Tilburg University. Available at: <http://www.tilburguniversity.edu/research/institutes-and-research-groups/babylon/tpcs/paper31.pdf> (accessed 1 November 2012).

Judicial Power and Anti-racism: Some Reflections

By Ibrahim Akrouh

The Judge's Rising Power: from Europe to Belgium

In continental Europe, at least for the countries influenced by the French model, the rule has always been that of the law, and therefore also of the institutions enacting and implementing it – that is, the legislative and executive powers. Indeed, in this model, the Parliament and the Government are the central place to exercise power. The judge, meanwhile, is nothing but ‘the mouth of the law’. In other words, the judge would merely apply mechanically, almost without thinking, the general rule – the law – to particular cases in the dispute before him/her. If this idea has been taught with great emphasis, it is due to fears of seeing the judge claiming such powers, as he/she would be likely to switch to the arbitrary, seeing that he/she has not been elected by citizens, unlike the Parliament or the Government.

In recent decades, however, this movement has tended, if not to reverse, at least to fade. I refer here to the rising power of the judge. Several factors contribute to this movement. First the advent of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter ‘the Convention’), signed in Rome on 4 November 1950 by the Member States of the Council of Europe, should be noted. The Convention established that a court be responsible for enforcing the Convention, namely the European Court of Human Rights, which is capable of receiving appeals by individuals. This is an important novelty, as it enables human rights violations to be litigated against nationally.

While the scope of this jurisdiction is governed by the Convention itself, the fact remains that it has wide powers, especially as it has the power to challenge decisions of signatory countries’ Supreme

Courts, but also and especially because it has the power to declare national legislation contrary to the Convention, resulting in the repeal of the aforementioned law.

With this development, the Belgian *Cour de Cassation* (Supreme Court) changed its jurisprudence, giving itself the power to judge national laws with the Convention. This jurisprudence has been a revolution in Belgium. Indeed, so far, it was not allowed to check the compatibility of a law with the Belgian Constitution, and it took great care to scrupulously respect this principle. But the principles embodied in the Constitution are more or less the same as those provided by the European Convention. In other words, the Supreme Court, by this departure from precedent, has *de facto* claimed the possibility to check the constitutionality of laws.

A few years later, following the federalisation of the Belgian state, Belgium adopted a Constitutional Court, responsible for enforcing the supremacy of the Constitution under Belgian law. This court has the power to declare a law unconstitutional, and can even go further: the outright repeal of the law!

Judges: the Forgotten Protagonists of Anti-racism

It is beyond the scope of this paper to determine the causes of this trend, let alone deliver any analysis. The aim is rather to contribute briefly to the reflection on the consequences of this trend, from an anti-racist perspective.

The anti-racist movement in Europe has given much attention to racism and discrimination by state institutions. Thus, many organisations advocate against legislation restricting access to the country by new immigrants and protest against the forced repatriation of Roma by governments; human rights activists condemned decisions prohibiting students from wearing headscarves in schools; NGOs are specialising in the fight against police brutality, etc.

These criticisms are directed alternately to parliament, political parties, ministers, mayors and the police. But it is very rare that European activists focus their attention on the role of judges, and more generally on actors within the judicial system.

In contrast to continental European countries – the so-called civility tradition, the tradition of critical study of the function of the judge is more common in Commonwealth countries, where the Common Law system prevails. This English conception of law emphasises the supremacy of court decisions, which truly create the law.

Without pretending to be exhaustive or scientific, I would like to share some thoughts based on practical experiences from my own cases. My goal is to draw attention to a crucial social field and to contribute, I hope, to create a dynamic that fosters action and research in this field. In particular, I believe we should no longer consider judges only as the authority to whom the victim complains of racism and discrimination, but also as a possible perpetrator of racism and discrimination.

How do racism and discrimination manifest themselves in this context? I have identified three issues: the perception and treatment of charges, determining the evidence, and the treatment of the law.

The Perception and Treatment of Charges

Judicial reasoning is based on a fundamental distinction between the charges and the law. Charges refer to incidents which will be subject to the rules of law. The determination of the charges answers the following questions: What happened? Did it really happen? Did it actually happen the way described? The law meanwhile refers to the rules governing the conduct of human beings in society. The law answers the question: Is it lawful or according to justice?

Very often human rights activists call for the law to evolve towards respect of pluralism, or towards greater equality, in order to have a

legislative arsenal for the protection of minority groups and human rights. But they often lose sight of the fact that the determination of the charges is a step at least as critical as the law itself. Let's take a closer look.

In the case *Dahlab v. Switzerland* brought before the European Court of Human Rights, the applicant, a teacher in a primary school in the canton of Geneva, was banned from wearing the Islamic headscarf during teaching hours. As a teacher in a public school, she was subject to the principle of denominational neutrality enshrined in the Swiss Federal Constitution.

The European Court confirmed the ban, raising an argument that drew my attention: the Court held that the vulnerability of children to teachers' potential proselytising participated in the justification of the ban. In this case, the applicant was in charge of a primary school, and more importantly children aged four to eight years old.

Although this account seems to be common sense, it deserves further attention. I will show that nothing could have been further from the truth.

There is first the question of potential proselytism: why should it be assumed that a teacher who wears the headscarf is likely to proselytise, or rather, why more than a colleague of another faith, or with no particular faith? This simple little phrase reflects a negative stereotype according to which a Muslim is by definition more proselytic than other religious or philosophical categories.

Secondly, if the issue lies in the visible nature of one's belief, what allows us to assume that the effectiveness of proselytising by means of religious symbols has been proven? Is it demonstrated by studies in social psychology? At no time did the Court raise this issue before its decision, thinking that it probably goes without saying. And yet this is not the case!

Finally, in the same vein, what is this ‘danger’ to which these students would be so vulnerable? Should we fear the risk of an entire generation of children between four and eight years old converting to Islam? Or is it the fear that the children will remember as adults and eventually adhere to this faith? In this case, what is the problem if they decide for themselves as adults? Or is this decision taken so as not to depict the headscarf and Islam in positive terms, or to place the parents of these children in an awkward position, particularly if their parents discredit this religion? Do we consider not wearing the headscarf as a ‘neutral’ position and attitude? And if not, what about those parents who believe that this religion is worthy of praise, practiced and celebrated through the act of wearing the headscarf? Does pluralism not begin by incorporating school leaders, together with people wearing headscarves, others not wearing them, staff and students belonging to such a confession, others to other faiths and beliefs, as well as those not belonging to any or practicing atheism? Is it not only under this very condition that the child puts things into perspective?

There are many questions that the Court did not really think through, many of which resulted in the endorsement of an argument based on a number of preconceived ideas. But many of these ideas have not at any time been the subject of a scientific and/or philosophical study worthy of the name.

Determining Sufficient Evidence

The decision of the European Court of Human Rights that we have just analysed could also be approached from the perspective of evidence. At what point can we say that a charge, which is subject to the judge’s discretion, is proven? If for some aspects of the issue it is not difficult, the question of evidence is not always obvious.

In a case I was involved a person who had adhered to a ‘new religious minority’ was accused of having threatened someone through a number of handwritten letters sent to the person’s home. The

content of the letters did not provide any certainty as to the culpability of the person who was accused of issuing the threats. Only an analysis of the handwriting revealed, according to the prosecutor, that this was the case. However, if the handwriting analysis can be a factor to be taken into account in the assessment of guilt, it is only to the extent that it can be added to others, and eventually forms a body of evidence that can lead to a guilty verdict. It is thus the accumulation of pieces of evidence rather than single clues that should be taken into account. However, in this case, this was the only piece of evidence in the file. And yet he was sentenced. Everything happened as if his religious affiliation, considered fanciful but nevertheless dangerous – and which the lawyer of the victim of threats did not hesitate to underline – made the possibility that he could be guilty plausible.

In other words, there are psychological factors, preconceived ideas, which lead to double standards in assessing charges that are supposed to be proven, depending on perceptions of the accused. These elements, although not covered as such by the law, may lead to discrimination, even though the law appears to promote equality and freedom.

Treatment of the Law

In Belgium, there is an important debate on the status of neutrality of civil servants in the public space, including teachers. This neutrality has been the subject of various interpretations. Some believe that neutrality must be exclusive. In this sense, the employee must not only provide the same quality service to all without discrimination, but must also have a neutral appearance. The upholders of inclusive neutrality feel that the only valid neutrality is that of the service provided, and not of the appearance, the latter being particularly difficult to define and highly subjective.

However, pupils are not in any way affected by neutrality, especially in state schools. Indeed, the concept of neutrality of civil

servants refers above all to the neutrality of the state in religious and philosophical terms, without giving preference to a particular confession. As representatives of the state, and only on this basis, officials are therefore required to comply with this neutrality, since they are in direct contact with citizens. They thus represent the principles that the state is obliged to respect. The pupils, on the other hand, do not represent anyone. They are the users of the school, the beneficiaries of public service and as such, are free to be 'neutral' or not. However, the vast majority of schools has decided to ban headscarves in schools. Many of them have justified this decision on the basis of students' alleged duty of neutrality. Such reasoning was unfortunately endorsed by various jurisdictions.

There has been a real intellectual manipulation, consisting of the application of a concept – the neutrality of public servants – to the pupils of public schools, despite the fact that all, including judges, know that this concept is not applicable.

Conclusion

It is not enough to recognise a number of fundamental rights in legislation or the constitution to win the fight for equality. We should also ensure that they are effectively implemented. The judiciary is in principle there to ensure this effectiveness when these rights are violated, including by state institutions. The judge is somehow considered as a last resort.

I think that in fact the last resort is and will remain the fundamental rights activist. Indeed, the judge, as any person, is susceptible to the negative influences of intolerance which currently prevails in society. If he/she comes to endorse these negative stereotypes and prejudices, he/she will be perpetuating intolerance instead of being a bulwark against it. This is true for various reasons: the judge's language is both hushed and technical, and he/she therefore seems to be politically uncommitted, neutral, above the fray. He/she also enjoys a certain degree of impunity, which is either legally organised,

or due to the fact that sincere activists, wanting to believe that there are still places where impartial justice can be expressed, do not question the magistrate's actions.

I believe the anti-racist activist should remain vigilant vis-a-vis the judiciary, which even if it bears the name of a virtue – Justice – is nonetheless a power subject to abuse by nature. This vigilance should be reflected in a careful analysis of the language used, to detect intentional or unintentional expressions of negative stereotypes and prejudices. It should also include the study of social sciences, of the process of determining the charges, the evidence and law enforcement without being fooled by the supposed impartiality and neutrality of the judge, which is a legal fiction both from a psychological and a sociological perspective.

Finally, we need to rely on the magistrates of goodwill – all do not want to do harm, far from it; many are ready to take a reflexive and critical view of their profession. Otherwise, citizens who are being discriminated against will grow weary and may eventually turn to extremes, thus demonstrating that democracy is really more of a theory than a practice.

Quantification of Prejudice

By Marwan Muhammad

When it comes to passing a law, implementing a new policy or promoting an action, the first question that should come to mind is 'how are we going to measure its impact?' Some of these measures are more explicit than others. In the case of social, economic and political phenomena, it is even harder to measure the impact of an ideology on people's life, especially when this ideology harms the society. In the same way we try to analyse the consequences of a tax break on a population, we should try and assess the consequences of racism on the daily life of target groups. But how do we do this?

- How to measure anti-Semitism?
- What is the impact of anti-migrant policies?
- What is the price of Islamophobia?
- How to quantify prejudice?

These questions do not have explicit, purely quantitative answers, both because of the subjective nature of prejudice and, more importantly, because most of our measurement tools, both qualitative and quantitative, are designed to detect events. But what about non-events?

In the same way we assume that information is formed when something happens, we should consider that something not happening also constitutes information. Let us focus on Islamophobia in France as an example to clarify the discussion.

Factors: Two laws have been passed: in 2004 against the headscarf in public schools and in 2010, against the full facial veil in the public space. Also, a series of ministerial instructions have been circulated to apply a specific treatment to Muslims in a given environment: Muslim mothers banned from school events, Muslim children

forced to eat pork in school canteens, (not so) random controls targeted at (apparently) Muslim travellers, etc.

In addition to these formal instructions, there has also been a continuous production of hate speech targeted at Muslims living in France: in political discourse, talk shows, mainstream news channels, popular culture, spreading widely at all levels of French society.

Impact: As soon as the 2004 law was passed, we observed a rise in anti-Muslim discrimination and hate crime outside the environment in which the law was supposed to be applied, i.e. in schools and in places associated with the state. This started happening in public spaces, in the streets, in restaurants, in supermarkets, in gyms, etc. This was more than just a correlation. It was causal. To prove this, we started interviewing the perpetrators to understand their motivations. Most of them explained they were trying to enforce the concept of ‘laïcité’ (French concept derived from secularism) described by the law. Clearly, they were extending the scope of the law to spaces where it did not apply.

Over the years, Islamophobia statistics remain on the rise, to reach a whopping 298 cases for the year 2011. 85% of the victims were women; the same Muslim women intended to be ‘helped’ in their emancipation process through the 2004/2010 laws. The predominance of women among the victims of Islamophobia has even been aggravated in the case of physical aggression, where they compose 94% of the overall victims.

These numbers are framed in what we can measure based on acts or events: a case of discrimination, a crime, a victim contacting us and filing a formal complaint with the police. What about discrimination related to things that did not happen? For instance:

When women are not being discriminated against in the labour market because they didn’t even finish their studies, having given

up on their hopes, sensing sheer frustration for feeling unable to contribute back to the society in which they live, and thus not aspiring to pursue a career path. We meet a lot of these women in conferences or through our victims' helpline. They usually express a simple message:

'What is the point of taking part in universities where a lot of people look at me like I were a monster just because I wear a headscarf? What is the point of studying if I know, in advance, that I'm not going to find a job?'

In this case, like in others, the target group has internalised some of the stigma that results from hate speech and negative media portrayals of Muslims, to the extent that the person's perceptions are automatically modified and affected in a very negative manner. This leads, in its most elementary form, to alienation.

Another example:

A mosque, not being defiled or profaned, because it has never been built. After 9/11 and the 2004 law, anti-Muslim speech has spread widely both in the political discourse and in the mainstream media. As a consequence, local authorities have been more receptive to political arguments made by right-wingers, campaigning to ban the building of a new mosque in their town. There can be no racist incident against a mosque if the mosque doesn't exist, is never constructed.

In both examples, the course of events has been changed by the factors described earlier. Stories of events and non-stories of non-events are continuously modified and recomposed, as explanatory factors evolve over time.

The non-visible consequences of hatred are real. The silent victim of Islamophobia cannot complain for what never happened. Still,

the life of the individual Muslim has been affected in an even deeper manner by hate speech and discriminatory laws, i.e. institutionalised discrimination.

Of course, these consequences cannot be specifically attributed to one of the factors, but they all participate in shaping the narrative into which we project ourselves, both individually and collectively. From a psychological point of view, projective narratives have a performative effect. They shape our representations of the world in which we live and influence the way we act.

Society as a whole is damaged when hatred and racism are on the rise. Political parties using fear as an incentive to gather more voters around their ideology turn people one against another. Social cohesion pays the highest tribute to racism, with people always living closer to each other in urban contexts, but being worlds apart from a social and emotional perspective.

This too is prejudice.

So clearly, what we learn from this is that our analysis of prejudice as a negative impact of a policy, an idea, a factor has to be more holistic. It has to include both quantitative and qualitative measures, as well as non-explicit consequences, in the form of non-events that are still linkable to factors in a causal relationship.

If we are able to articulate the quantification of prejudice in a wider perspective, we will do justice to victims by acknowledging the full spectrum of what they go through, and not only the visible part of it. We will also find that not only the victims suffer from the stigma of racism, but also the society as a whole, reminding us of a simple and yet often forgotten truth: we are one people, one humanity and when one of us suffers, our society is diminished as a whole.

Section 3:

**Bringing it
All Together -
Influencing Racist
and Xenophobic
Attitudes**

Can We Learn from the US Context? On Positive Action

By Dr Aryeh Neier

The greatest national trauma of the US was a Civil War fought over the question of slavery 150 years ago. Legally required segregation of the races was not ended until 100 years after the Civil War and de facto segregation remains a significant factor today. The US experience suggests that one has to deal with racism in many ways. One cannot limit oneself to a particular approach. We need legal efforts, community actions, interracial contact, education, the mobilisation of civil society, and of racial minorities themselves. One needs to use such methods as affirmative action. There are some approaches to affirmative action that are effective and others that are less so.

So far as communal contact is concerned, there are important lessons to be learned from India. In some cities in India there has been a history of extensive conflict between Muslims and Hindus. Other cities with similar demographics have had no conflicts. Studies have shown that in those cities without communal conflict, there were often circumstances where Hindus and Muslims joined together to deal with problems other than race, such as harassment of girls on the way to school, or traffic issues. Such interactions without focusing on religious differences, but that involved working together on common problems, had a significant impact in reducing the possibilities of conflict. One reason is that when there were reports of misconduct by members of the other communal group, these could be checked and rumours of outrages were discredited. This approach could be applicable to other contexts as well.

On questions of affirmative action, a speaker suggested earlier that there are direct forms of affirmative action that might be described as 'positive discrimination' and that there are more indirect forms of affirmative action that simply encourage more applicants among

minorities. Affirmative action has been under a legal cloud in the US because of a number of court decisions. The US Supreme Court may soon outlaw all forms of affirmative action that involve positive discrimination.

I will provide one example of an indirect form of affirmative action in the US that has proven effective without stirring up negative reactions. It will probably survive the forthcoming action by the Supreme Court. In the State of Texas, a lot of secondary schools are substantially segregated by race, not legally, but de facto. A procedure was established by the body that administers the University of Texas that the top 10% of the graduates of any secondary school in that state would qualify for admission at the elite University of Texas. There is nothing in this procedure that officially discriminates on the basis of race, but because the secondary schools are de facto segregated, it ensures that a significant number of minority students are selected to attend the elite university. I advocate this kind of approach, because when there is a more direct form of affirmative action, it is perceived by those who may not be admitted to the elite university, that they are being discriminated against. They see themselves as suffering for something they did not do themselves. Their attitude becomes ‘Why should I bear the burden for the sins of society as a whole or for the sins of society before I was born and not obtain the education to which I would otherwise be entitled’. If those persons hold a grudge against those who are admitted to a top university, it detracts from the perceived morality of the anti-racist effort.

There was a period in the US – and it may still be the case – when a standard excuse for not getting into a top university or a particular university was, ‘Oh, well they have an affirmative action programme. They are admitting all those blacks to the university and therefore I am not getting my place’. Most likely, in a large number of cases, the person would not have been admitted under any circumstances. But it is a convenient pretext for not being admitted.

I think it is very important to preserve the moral characteristics of the effort against racism and not to encourage such attitudes.

In the United States, the fact that the moral character has been preserved to a significant extent despite being damaged in a number of ways is illustrated by an apparent contradiction in American society. Racism is still a very powerful force in the United States. All you have to do is look at the statistics on ‘stops and searches’ in New York City. In the US we refer to this as ‘stop and frisk’. Police pat down those who they stop. But the statistics that are kept show the overwhelming majority of those subjected to stop and frisk are members of racial minorities. Such statistics are kept in the United States and the fact that this data is collected in the US is immensely valuable in the struggle against racism. Data that identifies persons by race is far more readily available in the United States than it is in Europe.

So racism is a major factor in the United States. Yet the two persons who held the most important appointive office in the US under President George W. Bush as US Secretary of State were Colin Powell and Condoleezza Rice. They were both black. That President Obama was elected as President of the US in a country that is substantially racist (and that he was subsequently reelected) raises the question: how is it possible that a country where racism was so built in to the founding of the country, where racism was a dominant practice from slavery to segregation to the contemporary ways in which the police conduct themselves, how is it possible that these appointments and elections could take place? I think the answer to this is that most Americans don’t want to think of themselves as racist. It is important for Americans to define themselves in some other fashion. The fact that they define themselves in a different way is enormously important.

The struggle now in the United States is getting people to live up to their own ways of defining themselves. It is a very large struggle

that is not likely to end any time soon. The election of President Obama was not nirvana. It was not the end of racism in the United States by any means. But it was an immensely significant step in reducing the ongoing and damaging practice of racism. I attach immense importance to maintaining and building the moral character of the struggle against racism, helping people to aspire to the idea that they should live in a non-racist society and helping them to see themselves as not racist. The next step is to then transform those perceptions into actual practice.

Thank you.

European Roma at Crossroads: Politics and Empowerment

By David Mark

The period of economic upheaval and soul-searching, which began in the European Union with the 2008 financial crash, has witnessed a significant deterioration in living standards and respect for the human and civil rights of minorities, especially the Roma. Poverty in many Roma communities is deeper now than at any time since the collapse of the Communist regimes in 1989. Too many Roma communities are enduring repressive state policies and extremist violence (read: serial killings) that are reminiscent of the jackbooted realities and oppressive bullying of the 1930s.

In 2011, the European Union launched its Framework for National Roma Integration Strategies.⁷⁵ Under this framework, European Union Member States proceeded to design their own national strategies and national action plans, in which the Member State governments pledged yet again⁷⁶ to invest in education, housing, employment, and health policies for marginalised Roma communities. Civil society organisations have studied these national strategies and national action plans and concluded, however, that governments have failed to design them in a way that would produce sustainable and effective solutions to the battery of problems Roma families face.⁷⁷ For instance, the Romanian strategy includes action plans for improving housing conditions and tackling unemployment, but none of the measures envisaged are budgeted or propose concrete measurable outcomes.⁷⁸ Moreover, since the release of

⁷⁵ See http://ec.europa.eu/justice/discrimination/roma/national-strategies/index_en.htm

⁷⁶ A similar pledge was made in 2005 at the launch of the 'Decade of Roma Inclusion', an initiative of the World Bank and the Open Society Institute that now spans twelve European states.

⁷⁷ See <http://www.opensocietyfoundations.org/sites/default/files/roma-integration-strategies-20120221.pdf>

⁷⁸ See http://www.gov.ro/strategia-guvernului-romaniei-de-incluziune-a-cetatenilor-romani-apartinand-minoritatii-romilor-pentru-perioada-2012-2020__11a117977.html

this new set of strategic documents, institutional decision makers have displayed a lack of willingness to invest in Roma integration. Romania's latest national strategy for the inclusion of the Roma, for example, lacks a realistic set of measures to be undertaken, budgets to finance their implementation, and indicators to gauge progress in attaining their stated goals.⁷⁹ Since the strategy's adoption in early 2012, Romania's government has not planned out or implemented a single measure. Incompetence and political clientelism within government institutions charged with co-ordinating the strategy's implementation in eastern EU states have transformed them into mere instruments for maintaining political control over the Roma and for channelling votes for mainstream political parties. For example, in a recent investigative article, journalists implied that a staggering 22 million euro, funds from the EU budget, have been spent fraudulently by the leadership of the National Agency for Roma in Romania.⁸⁰

It is hardly surprising that thousands of Roma from central and eastern Europe have chosen to seek economic opportunities, however modest they may be, in the more prosperous countries in the West. This outflow of Roma people has highlighted and carried the problem of inequality experienced by the Roma in their homelands onto the European Union agenda. As more and more Roma families have crowded into makeshift squatter camps in France, Italy, Spain, Great Britain, and other countries, negative attitudes in these countries toward the Roma have spread and deepened.

Economic hardship has also hit the majority populations in the countries of Europe, and many individuals, including many disenfranchised and jobless young people, have joined fringe political and vigilante groups. Far-right groups have established movements and parties that are increasingly militant and well-organised and have been gaining political power and expanding their reach by

⁷⁹ See <http://www.romanicriss.org/>

⁸⁰ See http://adevarul.ro/news/eveniment/Tigani-tocat-banii-romi-1_50bba2dd7c42d5a663bc476d/index.html

aiming anti-Roma and anti-minority rhetoric at potential supporters seeking scapegoats for their economic woes. Under pressure to compete for these same potential supporters, politicians in governing parties on the centre-right and centre-left of the political spectrum – those in France, for example – have responded by enacting and implementing repressive policies towards the Roma and other minorities and by engaging in racist and incendiary public speech.

As these developments have been reshaping the political and economic context in Europe, the most important organisations supporting the Roma have continued to focus their efforts on strengthening legal frameworks, on introducing more, and increasingly expensive, service programmes, and on conducting studies and analyses that will soon begin gathering dust in the offices of low-tier bureaucrats.

I have worked on Roma issues for years and even co-ordinated the European Roma Policy Coalition (ERPC). For several years, I led a national network organisation made up of grassroots Roma non-governmental organisations. My views on the Roma issue have changed in a radical way and I now feel it is time to step outside the box and develop a more effective response to the challenges faced by the Roma. This is my four-point proposal:

1. Empowerment

Activists and stakeholders working on Roma inclusion should begin to focus their efforts on the political empowerment of Roma communities. That is, activists and stakeholders should undertake efforts designed to enable the Roma to mobilise and organise themselves so they can influence the legislative process and negotiate the distribution of public resources from a position of strength vis-a-vis political decision makers. Such organised movements by the Roma need not be outright partisan, but they should have the capability – without fear of repercussions – to lobby for or against ideas, policy proposals, and governing programmes of political actors in the same way that LGBT groups, minorities, religious groups, and

environmentalist groups in the United States have in lobbying on issues relevant to them. If we want Roma issues to be taken seriously by governments and political parties, then the Roma vote needs to count in the same way that the black vote, the Hispanic vote, the Asian vote, the women's vote, the immigrant vote, the LGBT vote, and other interest group votes count in the United States. For now across the region, Roma votes are simply bought in exchange for a kilo of flour and a litre of cooking oil or extorted by local politicians who control social assistance – often the only source of income for Roma families.

Marginalised groups similar to the Roma have historically acquired the capability to achieve significant change in their conditions only after they have developed the ability to establish genuine social movements and – through their representatives at local and national levels – to negotiate the passage of legal measures and the distribution of resources (Tilly, 2004). The Roma must now do the same. To unlock their potential, the Roma need to learn to act not as a factious cluster of individuals whose group identity is largely defined by the prejudices of 'the other,' but as an organic community with a shared culture, a shared sense of values, and shared interests. Such an organic community must have the ability to participate in a conscientious and organised manner in democratic processes and to make its voice heard and its votes count. To help the Roma unlock this potential, activists and stakeholders should stop looking at the Roma and seeing a downtrodden group of people who require social assistance; rather, activists and stakeholders should begin to promote self-awareness and a civic and political identity that will help the Roma tap the power within their community and utilise it for their own emancipation and better well-being.

Opportunities for change exist in every village, town and parliamentary district where Roma live in compact neighbourhoods. These opportunities are in many instances significant, because in the existing struggles for political power in most of the countries of

central and eastern Europe, the Roma have the potential to exercise a swing vote and thereby enhance their political leverage. A few hundred Roma votes can tip the balance of power in a village or town; a few thousand can make the difference in a city or a parliamentary district.

Diosig, Romania is one village where the Roma voted for change. In 2012, they elected a young Roma woman, Hajni A. to the local council. The village mayor, its local elites and local Roma leaders were unhappy about losing their grasp on a cheap and easy to manipulate pool of Roma voters, as the Roma population could be exploited for personal gain. Hajni's first accomplishments composed agreements that extended waste collection services to Diosig's Roma neighbourhoods, helped Roma children to enrol in school and obtain state financial support, and extended the electricity grid to outlying Roma homes. Her objective is to pave the streets in Diosig's entire Roma community – past administrations have left the Roma community out of the EU financed development plans – as well as to increase the availability of public land so that young Roma families can construct houses of their own. She also aims to eventually attract investors and create jobs for unemployed young people.

Cristi B. is the newly elected Roma local councillor in Frumusani, a village in Romania where the poverty-stricken Roma community enjoys an education programme, financed by the European Social Fund, that has produced impressive results. Cristi knows, however, that all the children study and do their homework by candlelight. He is working to have the Roma neighbourhood connected to the electricity grid and to seek sustainable solutions for local housing problems and unemployment.

Such initiatives need to be nurtured. Dedicated young Roma like Hajni and Cristi must be helped, not shunned, for having dared to enter local politics. Their work and decisions can have lasting, sustainable results in the communities they represent, and achieve this

in ways that assistance programmes rarely manage even at a very high cost. If incipient movements are to gain traction, money should be invested in efforts to mobilise and organise the Roma in order to enhance their political voice. Grassroots programmes providing civic and voter education are badly needed in the largely uneducated Roma communities, as are training programmes for election observers and elected local representatives.

2. Developing a Voice

Roma must develop a voice that can provide information, analysis, and a variety of points of view on issues crucial to their community.

Initiatives that back forms of dissent, support, opposition to or endorsement need support. Unfortunately the public voice of Roma in the countries of central and eastern Europe is practically non-existent, and Roma groups are seldom given the opportunity to express views and positions that are relevant for the community or the country. While most private television stations are willing to provide the space and infrastructure for shows and broadcasts if and when they are involved in projects, very few such initiatives exist. Roma leaders need training to be more skilful in monitoring and convincing the mainstream media to present a balanced image of the Roma. Roma journalists and media professionals working in mainstream media and press outlets can make a difference. But further investment is needed. Most importantly, Roma activists and stakeholders, as well as political and business leaders, need to communicate more often and more convincingly with Roma families, individuals, and communities.

There is an abundance of grant support for media material focused on combating popular prejudices and negative attitudes toward the Roma. However, anti-discrimination and pro-tolerance media campaigns undertaken during the past two decades have made little to no impact because stories about trafficking, crime and begging have offset the few positive messages that have reached a larger

audience. A shift of attention is required with more material and focus on Roma audiences promoting priorities such as education and jobs and fostering mobilisation through civic education.

3. Education

Education has been touted as the ‘top policy priority’ of state institutions, international organisations, and non-governmental organisations over the past two decades. The fact is that national education policies aiming at providing quality education to Roma children have either not been established or have been rolled back. Segregated schools for Roma and huge drop-out rates are plaguing education systems across central and eastern Europe. Decision makers seem content with ignoring the problem. Local government plays a significant role in education and local involvement is crucial for effective and sustainable education initiatives. However, it has become more difficult for Roma advocates and stakeholders to interact with local government leaders because investment in the Roma is not a winning political strategy for local politicians.

I argue that stakeholders and advocates often miss the point because Roma parents do actually have the leverage to influence education policy at the local level. In many communities I have visited, local Roma leaders boast that Roma usually decide – through their votes – which candidate will become mayor. But since parents are uneducated and poor they rarely know how to use their political leverage to influence policy making of any kind. As a result, the opportunity is almost always lost.

For this reason, formal education must now be complemented by activities that aim at educating both young people and adults on their civic responsibilities and rights as well as the potential positive effects of such engagement. Roma parents themselves need to assert serious pressure upon local politicians and parliamentary representatives to increase investment in early education and to put an end to segregation.

These problems cannot be allowed to cloud the crucial importance of education for Roma inclusion in general, for upward mobility and greater employment opportunities, and for developing a conscientious, politically aware and engaged Roma population.

4. Youth Agency

The objective of creating a sense of agency among the Roma youth is a serious challenge as education systems are not welcoming for Roma children and youth in many European states. Although many NGOs and private donors invested in education at all levels, the enrolment of Roma adolescents in high schools and universities remains very limited. Real youth agency has yet to be developed; good education is still missing, as is investment in personal development of youth beyond the education system. With the formation of a better trained, more confident young generation as the aim, more strategic investment and more creative actions are needed. Development of the Roma youth – in terms of their performance, their pride in their own identity, their voice and access to information – is a critical factor.

Young people are active agents, not passive victims. Organising educated Roma youths to challenge stereotypes and racism through activism is important. But this does not address their needs and aspirations, nor does it link them to their communities. Educated young Roma should also be enabled to organise as agents for change at the grassroots level. Mobilising communities, educating and training peers, identity strengthening, environmental consciousness, social development, participation in public service are issues that should be on the ‘menu’ of youth organisations and of donors that focus on youth.

Existing youth organisations need support to strengthen their base; meaning recruiting a larger membership. This process will enable the dissemination of ideas and positive models to communities and pave the way for development. At the same time, organisations

should provide a secure and positive space for many Roma youth that are now struggling to understand how their identity fits in the society in which they live. In time, these organisations will act as vehicles for the maturation of future Roma elites and become relevant actors in policy making in their home countries and at EU level.

Conclusions

The path described above is full of obstacles. At present, civic and political elites inside and outside the Roma community oppose the arousing of a political consciousness among the Roma. This is because Roma leaders with real support from Roma constituencies might challenge the legitimacy and threaten the privileged positions and access to funding of existing Roma elites both in non-governmental organisations and in political life. In some countries, organised Roma movements might well upset the balance of power among the mainstream political parties and leaders, as they will lose a cheap and easily manipulated pool of voters. These are sufficient reasons to suppress such initiatives right as they appear.

The Roma can draw lessons and models from social movements of the past, such as the women's movement or the Civil Rights movement in the United States, which have altered the way society perceives gender and racial differences. These movements have shown that oppressed groups have never been 'delivered' or 'freed' by high-level conferences, symposiums, and sociological reports but by the collective challenges of people with common purposes and solidarity through sustained interactions with elites, opponents and authorities (Tarrow, 1998). Roma have the potential to organise themselves – as the Roma of tiny Diosig and Frumusani have demonstrated. But their efforts need support and nurturing. Paying lip service to these ideals while continuing with business as usual will not be enough. It is essential to educate, train, mobilise, and organise with the specific aim of producing results through participation in the political system.

References

Tarrow, Sidney. 1998. *Power in Movement*. Cambridge: Cambridge University Press (second edition).

Tilly, Charles. 2004. *Social Movements, 1768–2004*. Boulder, CO: Paradigm Publishers.

The HOPE not Hate Campaign

By Nick Lowles

The HOPE not hate campaign was created in direct response to the political rise of the British National Party (BNP), which, after 2001, had begun to make electoral gains in several towns and cities in the north of England. The BNP was a traditional fascist party. It was led by a man who denied the Holocaust, believed that white people were genetically superior to non-whites and supported an apartheid-style system whereby black people should become second-class citizens under the law.

But despite their clearly fascist and racist views, they were proving increasingly popular, especially in the former mill towns in Lancashire and Yorkshire. They began winning council seats and attracting up to 35% of the vote in many areas. The anti-fascist response was largely predictable. The BNP were fascists and it was our job simply to let local people know that too. Once they did, we thought then support for the BNP would evaporate. The Anti-Nazi League organised demonstrations and pickets of town halls which had seen BNP councillors elected. We, then operating under the banner Searchlight, produced leaflets warning of the dangers of fascists being elected to the local council. For good measure we superimposed huge swastikas onto images of local town halls to illustrate the Nazi takeover.

While these actions might have been perfectly logical to us they did little to dissuade local people from voting for the BNP. Indeed, some of our actions were clearly counter-productive. Attacking an elderly woman who had been elected as a BNP councillor in Burnley with eggs and flour played out particularly badly in the local media. Name-calling and shouts of 'Nazi scum off our streets' were either ignored or viewed as intimidating and undemocratic. In fact, the initial anti-fascist response to the electoral rise of the BNP was at best ineffective and at worst backfired.

The response of the main political parties was equally ineffective. For most, the BNP was an aberration and best ignored. The consensus was generally that by drawing attention to them, it only gave them further publicity and so they were best ignored. There were some noble exceptions but generally local politicians just pretended the BNP did not exist. But this too did not work and the number of BNP councillors grew and their support spread to the West Midlands and Essex.

It was the realisation that our current response to the BNP was not working that convinced us that we had to change and the first step was to properly understand who was voting for the BNP and why. With the support of the Joseph Rowntree Reform Trust we commissioned a research organisation to undertake the first proper polling into BNP support. Through a combination of exit polls and focus groups, the researchers looked at the BNP in three of its strongholds. The findings were illuminating and instructive.

It found that race and immigration was only one reason why people were voting for the BNP. Just as importantly, the research found, was the democratic deficit. Too many voters were angry at the mainstream parties. They saw no difference between them and felt largely ignored. This was especially the case with BNP voters, many of whom had not voted before or had stopped voting in recent years.

While understanding the BNP vote was very helpful, just as useful was what the research told us about the size and nature of the anti-BNP vote. The research monitored voting intentions in three council by-elections, each in a BNP stronghold and what it found was that alongside strong support for the far-right party, there was a clear anti-BNP vote. The Liberal Democrats won two of the three by-elections and many of their voters listed stopping the BNP as the single most important reason for voting. In all, 8.8% of male voters and 18.6% of female voters listed voting against the BNP as their main reason for voting in these by-elections. The anti-BNP vote was

also tactical; with many voters casting their vote against the party they believed was best placed to beat the BNP. In Mixenden and Lanehead this benefited the Liberal Democrats while in Failsworth East it boosted Labour.

Men were much more likely to vote for the BNP than women, by a margin of almost two to one. Women were generally put off by the BNP's aggressive image and concerned about the tensions and trouble they could bring to local communities. Conversely, however, many of these same women were put off by traditional anti-BNP and anti-racist slogans and literature. Slogans such as 'Smash the Nazis', 'Nazi Scum off our Streets' were equally threatening and aggressive. People preferred positive messages as opposed to negative; they wanted to vote 'for' something rather than 'against'.

Our campaigning was already changing but the Rowntree-sponsored research helped back our ideas with some empirical evidence. Anti-BNP campaigning had to be localised, address local issues, be more imaginative and positive. The HOPE not hate campaign had begun.

Over the course of the next couple of years we developed, refined and further refined our campaign strategy. In 2004, a year after the polling, we began to use the slogan HOPE not hate coupled with our smiling sun logo. It was a deliberate attempt to portray the more positive and less threatening image that the research told us worked better with voters.

We also began to localise our material a lot more. We established local groups, trained organisers and began producing regular newsletters for local communities. We wanted to portray ourselves as part of the community and not just interlopers who turned up at election time asking for people to vote a particular way. The newsletters were branded with a local identity and through producing regular editions we began developing a reputation in our target areas.

One of the most intuitive campaigns for us during this period was that fought in the market town of Clitheroe, in the Ribble Valley. On the surface it seemed a strange place for the BNP to target. A strongly Conservative local authority area with one of the highest average incomes in the country, a high proportion of whom having higher education qualifications, and a local Muslim population of just 25 families. It was, however, nestled between Blackburn and Burnley. The riots in Burnley and perceived on-going problems in community cohesion in Blackburn created a sense of siege amongst some locals. This was compounded by a planning application to extend a house by just over a metre to create a prayer room for the local Muslim population.

The BNP immediately latched on to the opposition regarding the prayer room, knowing full well that many people, including the local Conservatives, were also against the mosque extension. ‘25 today, 25,000 tomorrow’, was a common refrain heard amongst those opposed to the application.

After the initial planning application had been turned down, over 70 BNP supporters attended the appeal, which was held just six weeks before the local elections in which the BNP had decided to stand seven candidates. This was to be the trigger for the formation of a local anti-BNP group, Ribble Valley Against Racism (RVAR). ‘All three main political parties were terminally complacent’, remember local anti-BNP organisers Chris Gathercole and Farouk Shiraz. ‘They all argued that if we all ignored them, the BNP would go away. Opposing them was said to give them the publicity they craved. The implication was that RVAR activity was irresponsible. Long established politicians could not believe that the good citizens of Clitheroe would vote for the riff-raff of the town’.

We sat down with Chris and Farouk to map out the election campaign. In addition to explaining the truth about the BNP, we also needed to address the planning application issue head-on. We

devised a series of four leaflets, each one following on from the other. Called '*Heart of the Valley*', we sought to encapsulate the decency of the local area whilst also asserting our local identity. The newsletter heading was depicting the famous local viaduct in order to build brand recognition.

The first of the series was headlined 'Stand Up for Decency'. It introduced Ribble Valley Against Racism, and explained its mission. It encouraged people to get involved whilst alerting everyone to the BNP threat and more importantly, presented the group as mainstream and broad-based. The second leaflet took on the planning issue, which by now had become toxic. In a four-page special, we explained the prayer room proposal, dispelled some of the myths surrounding the plans and Islam more generally and carried a number of cross-faith endorsements for the right of all religions to worship. 'Some of our supporters had been uncomfortable with the negative approach of denigrating the BNP', remembered Chris. 'Our mosque leaflet was constructive and low key. It helped to establish RVAR as a responsible group in contrast to the strident, even hysterical, tone of the BNP campaign'.

This leaflet was followed up by a half-page advert in the local newspaper. In a direct rebuke of the BNP campaign pledge that a vote for them would stop the mosque, the advert explained that the issue was now with the planning inspector and the local election would have no effect on the outcome.

The third leaflet focused on the violence and trouble the BNP could bring to an area. Entitled 'Life's a riot with the BNP', it highlighted the role of BNP supporters in the Oldham riots. In this wealthy and conservative area we knew we could turn the violent image of the BNP to our advantage.

The BNP were understandably furious with the RVAR campaign and countered with almost hysterical leaflets of their own. But this

was fine as they only reinforced the difference between the two sides. Our final leaflet, thought out several weeks before, was a perfect rebuttal to the BNP attack. Headlined 'Vote to Save Clitheroe', with a large picture of the town, it was an open appeal to local people to reject the BNP. More importantly, it carried a number of local endorsers, including the Town Crier Roland Hailwood. It was undoubtedly one of the most pleasing leaflets I produced over the last ten years.

I have to admit that there was some amusement in our office as we put a huge image of Roland, in his full attire and bell, on the leaflet. Roland was perhaps the most infamous local man in Clitheroe as he encapsulated the traditions and respectability of this quaint market town. Several local people, unknown to the RVAR campaign, even put the leaflet up in their windows. It was an important lesson about the significance of using local heroes in our material.

The research showed us that the BNP tapped into real or perceived issues and so if we were to defeat them politically we had to take on these issues ourselves either by debunking BNP lies or explaining why certain things were happening. Sometimes this was not easy and sometimes these issues were considered sensitive or difficult for some on the left, but unless we addressed these issues the BNP were left with a free run.

A lot of BNP propaganda during the 2001-2005 period focused on asylum seekers and in this, they were tapping into popular hostility. They had a general leaflet about how these people were being given preferential treatment which they customised to local areas where it suited them. Sometimes Margaret lived in London, but she also lived in Burnley, Sandwell and a host of other areas the BNP were active. The political parties told us to ignore unpopular issues as asylum seekers and stick to our safer topics but we took the view that we were never going to defeat the BNP if we ignored the issue. It was in Halifax, in West Yorkshire, that we took on

issue most effectively. In a tight council election, in a ward where the BNP already had one councillor, the far-right party issued a leaflet claiming that asylum seekers were benefiting ahead of local people in Halifax. Working in conjunction with Calderdale Against Racism, we took the BNP leaflet apart literally line by line.

The BNP claimed local pensioners were having their operations cancelled because of pressure put on the health service by asylum seekers. To prove this wrong we contacted the local Primary Care Trust and asked them whether Halifax people were having their operations cancelled. They described the claims as ‘propaganda’. Next the BNP claimed that local pensioners were being thrown off doctors’ waiting lists because of asylum seekers. In response we rang every doctors’ surgery in the ward and asked them if they had struck off local pensioners to make way for asylum seekers. They said ‘no’ and were furious at the BNP claims. The BNP also claimed local care homes for the elderly were being shut only to be reopened as asylum hostels. We spoke to all the local care homes and all categorically denied any plans to close down. Again there was anger at the BNP claims. Finally, the BNP claimed that Halifax post office had a specific counter dedicated for asylum seekers on a Monday, to which we went down with a camera on a Monday morning to prove there was no such thing.

Armed with the facts, we now needed someone with more authority to convince local people of the truth. We were political activists and so it would be easy for the BNP to dismiss our objections to their lies. We turned the BNP leaflet on its head and used the very people who the BNP were trying to scare, pensioners. We got a couple of local pensioners to agree to put their names on our leaflet so it was they who were calling the BNP to account.

‘Don’t scare our old folk’, read the headline of our first leaflet, ‘pensioners speak against the BNP’.

The leaflet linked the lies the BNP were telling to the effect it was having on pensioners. 'I read these claims in horror', Joan, one of our pensioners was quoted as saying in the leaflet. 'Like all people I worry about our future and I have to say I was almost taken in by the BNP. Now that I have found out that their claims are a pack of lies I am very angry'. 'Life is hard enough for us old folk without the likes of the BNP stirring up trouble with their lies'. The other pensioner, Peggy, agreed as she was quoted in the leaflet as saying: 'Stop scaring us and stop telling lies'.

It just so happened that this election was one of those covered by researchers and it was clear from the focus groups that our rebuttal leaflet was effective in exposing BNP lies and in bringing doubt into voters' minds about what else the BNP was lying about.

Buoyed up by this campaign, we began to address other issues the BNP was exploiting. In Barking and Dagenham it was the provision of social housing; in Burnley and Sandwell it was the distribution of council funding; and in Oldham it was gang violence. In Keighley, we took on grooming – the sexual exploitation of young girls – which the BNP had racialised as most of the known perpetrators in that town were British-Pakistani males. In 2004, when this issue first emerged, everyone, including ourselves, remained silent on the issue leaving only the BNP to speak about it. This of course allowed them to twist the facts and racialise the issue and as a result they won several council seats in Bradford. The following year we took the issue head on. We accepted that grooming was a real issue and with 65 girls affected in a town of 30,000 it was one that we could not ignore. In this case our messenger was the mother of a girl who had been abused. She spoke from first-hand experience and when she condemned the BNP for twisting the issue, people listened. Support for the BNP dropped massively.

By 2006, we were now known as the HOPE not hate campaign and our positive branding was on everything we put out. Our campaign

was bolstered by the support we received from the *Daily Mirror*, Britain's second biggest tabloid newspaper. This tie-up gave us credibility, access to celebrities and a reach to millions of people. We organised several HOPE not hate bus tours of Britain, with daily coverage within the newspaper. We also produced eight-page supplements within the paper, which combined celebrating modern multicultural Britain with explaining why the BNP was wrong.

In all this though, we separated out the BNP activist, who was politically motivated and educated, and their causal supporters who voted for them but did so for a variety of issues. We were careful to reach out to these voters, both to demonstrate that we were not extremists and to encourage them to break their support for the BNP. We had found all too often that strident anti-racist and anti-fascist language, as well as overly political literature, alienated us from local communities and even pushed BNP voters further into their arms.

Our biggest success came in Barking and Dagenham, in 2010, where there was a real danger that the BNP would win control of the council and with it a £200m a year budget. The BNP was already the official opposition on the East London council and had averaged 41% in the wards they had contested during the previous elections. The area had been built up around a Ford car plant which in its heyday employed 45,000 people. It now employed but 3,600 and with the lowest cost housing in London, it had also seen the biggest demographic change in the country. Deindustrialisation, poverty and immigration all collided.

We had been active in this area for many years but ahead of the 2010 elections we set up a huge office, drafted in volunteers and our top campaigners and ran a campaign like nothing we had done before. Over a four-month period, we distributed 355,000 newspapers, leaflets and letters to the 75,000 homes in the borough. We produced general material, that was distributed door to door, but we also produced specific material for different audiences. We

produced leaflets for different faith groups, leaflets for pensioners and the young and even material for trade unionists. With women being our core anti-BNP voter, we produced a 12-page booklet, with interviews and articles from well-known female TV presenters and newspaper columnists, which we distributed to every single woman in the borough.

Just as importantly, we infused people. During the course of our four-month campaign about 1,500 different people got involved, including 541 on one single day. A week later another 385 people came out and on Election Day itself, 176 people helped knock on the 6,000 doors of our key voters. Most of those who got involved were women and 37% had either never done any political activity before or had not done so in the previous five years. This confirmed for us that a positive message, a clear and moral issue and a belief that we can make a difference can mobilise people in great numbers.

The BNP were defeated, and defeated badly. They lost every single seat and this defeat signalled the beginning of the end of the far-right party in the UK. From a high of 67 councillors, in 2009, it is now down to just three. Its membership has shrunk from a high of 14,000 to just 3,000 now.

In September 2011, we asked our supporters why they loved HOPE not hate and over 900 people replied. ‘I used to feel helpless and frightened by the bigotry and hate of organisations like the BNP’, said Debbie, from Lancashire. ‘The HOPE not hate campaign has shown me that positive united action can make a real difference. I feel proud to have played a tiny part in that process’.

‘I was born in India, sculpted in Canada and enriched in England’, said Goldy, from West London. ‘I live in London with an Italian partner, and feel that someone like me has a voice, a story, a reason, because of HOPE not Hate. There was a time when I wanted to blend and be silent. Not anymore’.

‘It proves to the world that each of us counts and single contribution changes lives and minds!’, said Katie. ‘Collectively we can do anything. That’s totally awesome people power. And the email encouragements to be a better human each day makes me proud and smiley’.

Of course there is no room for complacency as the conditions which gave rise to the BNP remain and if anything, are bigger now than ten years ago. There are also other challenges, such as the English Defence League and small, more violent groups which are springing up. Yet in the HOPE not hate campaign I would like to think we have shown that racist parties can be defeated in the very communities in which they were once strong. By providing a positive antidote to the politics of hate and despair, by dealing with the issues the far right campaign on, by rooting ourselves in the communities in which they are active and by addressing people on where they are and not where we would like them to be, then we can win.

Hegemony under Siege

By Dr Andreas Hieronymus

In the title of the ENAR/OSF symposium on the Varieties of European Racism(s), the plural in racism(s) was put into brackets. This was intention to consider the following questions: are there several distinguishable forms of racist practices and discourse in Europe? Do racist practices and discourses in Europe in themselves show varieties? Are they distinguishable from racism in the Americas, Africa, Australia or Asia? What are the global dimensions of racism? Do we have to give up a common understanding of racism because in each context power relations, historical legacies, and narratives shape different discourse and practices? Do we have to differentiate racist practices and discourses according to the targeted victims? Do we then talk about 'Anti-Semitism' for the white Jewish community, 'Afrophobia' for people of African descent, 'anti-Ciganism' for the Roma community, 'Islamophobia' for Muslims, or 'nativism' for migrants? Is there a specific European dimension? How does the persecution of human rights defenders fit into the picture?

To find some preliminary answers to these questions, I want to reflect on the ENAR/OSF symposium and provide my thoughts on racist discourses and practices.

'Fluid' identities and 'stable' legal categories: Dagmar Schiek from the Centre for European Law and Legal Studies at the University of Leeds, observed that in the equality legislation more and more grounds of discrimination become visible, but the affected groups are getting smaller and smaller. She sees the problem that 'fluid' identities are imagined as 'stable' legal categories, ascribed to specific individuals to fit within the legal system.

Mainstream and racism: Mutuma Ruteere, the UN Special Rapporteur, highlighted the fact that common structural momentums connect these different racist practices and discourses. He sees the problem not solely in the discourses coming from far-right parties, but in the fact that established mainstream parties do not reject such discourses and even often support them.

Critical European Whiteness and reflexive Europeanness: When talking about ‘actors’ in the field, we should not forget those who gain from exclusion and willingly aim to have their privileges protected by any means necessary. At the same time, the actors cannot easily be captured just as generalised ‘negative’ versions of the victim groups, as members of ‘non-Jewish communities’, as ‘Europeans’, as ‘non-Roma’ or ‘Christians’. There needs to be a critical exploration of the process of ‘Europeanisation’ and of the emerging ‘European Whiteness’ to counter notions of the right, who speak of ‘Anti-White Racism’, ‘Anti-German Racism’ or even an ‘Anti-European Racism’. Otherwise, racism is levelled to an empty category which means everything and nothing and does not help in understanding historical power relations.

Racist discourses as intersection between left and right: Marwan Muhammad from the Collective Against Islamophobia in France emphasised that with the shift of racist discourse from culture to religion, Muslims were suddenly squeezed between a left-wing discourse on women and freedom of expression and a right-wing discourse on religion. The discourse on Muslims seems to have the ability, as the discourse on Jews, to unite the left and the right in the definition of a common enemy. Philomena Essed, Professor of Critical Race, Gender and Leadership Studies at Antioch University, highlighted the shift in the discourse from the ‘right to freedom of expression’ to a ‘right to insult’. She sees this in line with a re-emerging open racism after 2000, after a period of more subtle racism in the 1980s and 1990s. Sindre Bangstad, anthropologist at the University of Oslo, sees the ‘freedom of expression’ at

the heart of Norwegian identity and described how this discourse is interlinked with negative attitudes towards Muslims, Roma and Jews. He explained the shifting focus on different groups as ‘liquid’ racism and decodes anti-Muslim racism as the rhetoric of national elites, who are anti-EU, anti-elitist towards other groups and anti-cosmopolitan.⁸¹

David Mark of the Civic Democratic Alliance of Roma in Romania questioned the effectiveness of the existing legal framework in view of the current wave of anti-Roma sentiments. He criticised the anti-racist movement for being too bureaucratic and focusing too much on law, while the far right is recruiting and wins more and more power. Jallow Momodou from the Pan African Movement for Justice in Sweden, and ENAR member, sees the introduction of the concept of ‘Afrophobia’ as important because it captures the irrational fear of black people. He interlinks the denial of the problem of ‘Afrophobia’ with the lack of ‘people of colour’ in positions in public institutions.

The European persecution model: It becomes clear that each terminology addresses specific aspects of racist practices and discourses, which cannot be seen solely as problematic individual behaviour, but needs to be understood in its historical and structural dimensions, which unfold when looking at the specific contexts of those discourses and practices and how these structures are then, often silently, incorporated into the practices of victims and perpetrators. Philomena Essed stressed that humiliation is one of the main instruments of racism, because it breaks the ability to resist. This is exactly the effect the perpetrators want to achieve. This has been highlighted from a different angle by Maleiha Malik, from the law faculty at King’s College in London, who talked about a specific European persecution model dating back to the 10th century, which entails specific structural problems and permanent features

81 The concept ‘liquid racism’ originates with the British sociologist Simon Weaver, who alludes to Zygmunt Bauman’s term ‘liquid modernity’ in introducing the term.

of a literal class, which was created to seek out victims and which used fiction to persecute. Edie Friedman, Executive Director of the Jewish Council for Racial Equality, United Kingdom, confirmed such a view by recalling the history of Jews in the UK, from their expulsion in the 12th century until Oliver Cromwell brought them back in the 17th century.⁸²

Institutional racism and strategies for change: To strengthen a counter narrative it seems necessary to explore intersections between different types of racisms, manifested in those discourses and practices. This means on the one side working hard towards a common understanding of the structural commonalities of underlying practices and discourses by looking at the specific experiences of individuals and communities, but on the other side, being more relaxed about terminology and how this ‘sells’ towards the ‘outside’ world or interest group, which of course, exists in the field of racism as well. This does not mean to neglect terminology and the ‘power to define’, but such definitions happen in specific arenas, with specific interests and are deeply entangled with racism as a structural problem.

There is a strong tendency, at least in Germany, to downplay the structural components of racism and to focus on individual morality. The fragmentation of the forces fighting racism can be a barrier to the creation of an anti-racist counter-hegemonic vision. To put it simply: we have to understand the specifics of racist practices and how these relate to structural and institutionalised forms of racism to develop strategies for change.

Paul Iganski from the University of Lancaster highlighted that, in the case of Stephen Lawrence in the early 1990s, it was civil society actors, who forced the government to acknowledge and admit the reality of institutionalised racism in the British police. Similar

82 See the Medieval historian R. I. Moore’s book *The Formation of a Persecution Society*.

practices can be found when it comes to ethnic profiling. Eddie Bruce-Jones from Birkbeck College School of Law in London presented two cases of ethnic or racial profiling from Germany and noted that sensitivity or understanding of this phenomenon is restricted to a small community of anti-racist activists and experts in the field. It seems therefore a great challenge to make institutionalised racism more visible.

Making Whiteness visible through ethnic data: François Héran of the National Institute of Demographic Studies in Paris, highlighted that data is needed to bring structural elements to light, as this contributes to making visible practices that unconsciously foster institutionalised racism. In most of national statistics throughout Europe, migrants (and the various numbers of subsequent generations residing in EU Member States) become statistically ‘whitened’ or ‘mainstreamed’ or not counted. The person loses all characteristics of his or her origins and blends into the native population, statistically speaking. This makes it nearly impossible to make ‘indirect’ or structural discrimination visible and to present evidence in the form of ‘hard data’. Most anti-racist activists still seem to be sceptical about ‘ethnic’ data collection, because they themselves have a ‘colour blind’ approach in their mind-set and often share the underlying assumption of the nation state. This often serves a strategy to preserve a monopoly on certain instruments (e.g. ‘testing’ of discrimination) to avoid competition in the anti-racist arena. A critical approach to ‘Whiteness’ and ‘Europeanness’ within the arena of anti-racist activism can therefore be helpful in questioning underlying assumptions.

The ENAR narrative: Over the last years, ENAR members devoted quite some energy to the exploration of the construction of narratives, especially how ‘big’ (national) narratives are constructed, how personal biography and social history intersect with them and how this intersection between individual and collective experiences can be used to explore and shape a new progressive, non-exclusionary

European narrative, a holistic vision that can be shared by the vast majority of the European population. It is clear that such a critical narrative has to tackle the colonial and post-colonial features embedded in the everyday life experiences of people living in Europe. It is obvious that the legacy of different types of western colonialism (settler colonialism, colonial occupation, etc.), of different types of fascisms (German and Austrian National-socialism, Italian fascism, Spanish Francoism, eastern European authoritarianism in the 1920s, etc.) and the Holocaust, Stalinism and the Cold War, as well as the legacies of vanished empires (such as the Ottoman or Habsburg Empires, as well as the Spanish or Portuguese Empires), which all still influence existing practices and discourses, evident in ethnic profiling, Islamophobia, anti-Semitism, anti-Gypsyism, Afrophobia, as well as many societal and legal exclusionary processes targeting a range of refugees, asylum seekers, migrants and others.

Critical Europeaness: More than twenty years after the end of the Cold War, the effects of economic restructuring in eastern Europe are now also affecting the 'old' West. A growing number of marginalised groups are becoming increasingly visible. The 'Sinti and Roma' in eastern and western Europe and 'the Muslims' mainly in western Europe are good examples of such marginalised groups. In a stereotyping process, they are reconstructed as 'problematic' ethnic groups not only in the national arenas, but in the emerging European public sphere as well. The institutionalised and structured practices of 'fortress Europe', defending European privileges against incoming refugees, goes hand in hand with ensuing negative public perceptions of European migrant and minority populations. Racist incidents in Hungary highlight the practices of militias applying arson and killing Roma, while in Germany, an underground Nazi network engaged in a serial killing spree of 10 migrant shop owners and a police woman. This is reminiscent of the strategy employed by the Ku Klux Klan, when they intimidated the African American

population through terror. This signifies a whole framework reinforcing racism in Europe in times of economic crisis and the financial decline of the middle class.

The European public sphere: National public spheres, which emerged in the 18th and 19th centuries have been transformed through European integration into a post-national polity, leading to the creation of a European public sphere. In the academic arena, public spheres are conceptualised in different ways. For some, it is the realm of rational debates (Habermas) based on commonality, where normative ideas are circulated and legitimacy for power relations is generated. There, this normativity results in a morality which rejects racism on a value basis, but is not able to reflect the conditions under which the own social position is reproducing racist practices and discourses. For other thinkers, it is the space of political contestation (Leclau, Mouffe), where democracy is seen as an unfinished project, as a goal to be achieved, but not yet existing. In this conception, ultimate (anti-racist) consensus is not possible and rationality is not the core point. Emotions are considered just as important as rationality. The latter conceptual framework captures the structure of racist discourses and the related practices in a more appropriate way, because these discourses and practices are less about rational ideas and more about emotions.

Hegemony under siege: The types of emerging narratives in this European public sphere seem to depend on the specific local power relations, which under certain circumstances can change very quickly. The hegemony of the dominant narrative, embodied in specific social groups, is thus permanently under threat through the different forms of ‘disguised’ class struggles, intersecting with other struggles around a variety of often fluid, social identities.

Function of narratives: These narratives not only have specific content but also specific functions, because narratives are constructed by and transmitted through media – and there

is evidence that social relations are increasingly ‘mediatised’. ‘Mediatisation’ basically describes the fact that more and more communication is done by media targeting a mass audience. The function of mass media is (1) a ‘relay function’, grounded in the media’s technological capacities to bridge spatial and temporal distances. It brings a mass audience into contact with social realities they are normally unable to perceive. The relay function connects to a past or future social experience, which is configured by the hegemonic narrative of the present. The (2) ‘semiotic function’ of the media makes messages suitable for human information processing through encoding and formatting. ‘Personalised stories’, for example, are formatted in such a way that a globalised mass audience is able to decode the story wherever the audience is and relate to it emotionally. The (3) ‘economic function’ refers to the media as the output of industrial mass production. ‘Mediatised’ realities are standardised commodities, which are effectively sold worldwide. This standardisation is achieved with the help of stereotypes and stereotyped characters that condense the content in a way that complexity is reduced to a minimum, at best to a mere logo.

Overcoming ‘Othering’: There is no need to get trapped in the restriction of one’s own cultural identity. Stuart Hall speaks of reflecting the practice of ‘Othering’, to see oneself as universal and marginalising others. With this understanding, racism changes its surface over the years, but in the end, it boils down to the practices of creating an exclusive social identity that is valued as ‘better’ than others. To solely rely on normativity and morality seems not enough to delegitimise racist discourse and practices, because it reproduces the ‘we’ (‘we are the good guys’) and ‘them’ (‘they are the bad guys’) divide. To overcome this, a conscious effort is needed to enter the hegemonic discourse of Europe and the ‘West’ in such a way that it transforms to a point that it recognises the marginalised and their repressed or forgotten histories, as Edward Said put it.

Fluid and hybrid identities: ‘It is the racist, who creates the inferior’ Frantz Fanon said. The undifferentiated gaze of the West on the differences in cultures, societies and histories mirrors such a permanent construction of otherness. According to Stuart Hall, this needs to be countered by own opposing perspectives. Gayatri Spivak speaks therefore of the difficult task of engaging in a counter-hegemonical ideological production, which creates possibilities for interventions to break up the essentialisations of culture. It needs to highlight the hybrid character of culture and see differences as categories, which have evolved historically, socially, and culturally and are constantly changing. In this sense, ENAR’s progressive narrative on equality and diversity seeks to reconstruct the existing normative ideas of Europe’s homogeneity to embrace and promote the notion of a heterogeneous, inclusive society, which acknowledges and values diverse cultures, ethnicities, races, religions, as well as many other distinguishing characteristics.

Academic discourses and communities: Research in Germany on anti-Semitism has built on the tradition of Theodor W. Adorno and Hannah Arendt and has created a rich understanding of historical and social processes linking anti-Semitism with a specific way of nation-building in Germany. But the academic and pedagogical community active in post-Holocaust education finds it hard to adjust the academic discourse to other areas, for instance, when it comes to contemporary forms of exclusion, like ‘Islamophobia’ or ‘anti-Muslim racism’. The same is true relative to the evolving research on ‘anti-Muslim racism’ in Germany, as it often neglects the commonalities and differences this contemporary form of racism has to anti-Semitism in a post-Holocaust society. It is only newly recognised in some academic communities that the exclusion of Muslims might be part of the creation of a wider European identity, in the same way as ‘Romaphobia’ or ‘anti-Ciganism’ is. At the core it seems, is the need of declining middle classes for the distinction and protection of their structural privileges.

Mediatisation and change in narrative in post-Holocaust Germany: Mediatisation played an important role in bringing reflexivity on anti-Semitism to a mass audience in Germany. While the Nuremberg trial in the 1940s and the Auschwitz trials in the 1950s and 1960s only reached out to small audiences of experts, the cultural change, marked by the year 1968, was an indicator that the hegemony of non-articulation and denial of the Holocaust in Germany had been broken. But it took until the year 1979, when the film 'Holocaust' told of the personalised story of the family Weiß, in order to confront a German mass audience with the atrocities of Holocaust. This resulted in civil society groups organising themselves to challenge Nazi groups on the ground. But these civil society groups resisting Nazis were composed often of a totally different set of people than the groups who were countering racism in the emerging immigration society of Germany. It was in 2008 in Cologne, when in an act of solidarity those very different actors (anti-Nazi activists, anti-racist activists, Muslim communities, ordinary citizens, politicians, city administration) combined forces and mobilised against the European Islamophobic right to prevent them from marching through the city by physically occupying the public space and blocking the marching route.

Symbolic interaction: The old and the new right use the symbolic representation of migration and minorities, which is connected with feelings of fear, for anti-equality narratives. ENAR seeks to offer a progressive and more positive narrative in contrast. Therefore the question of language, communication and symbols needs to be addressed with the narrative. Symbols relate directly to the psyche of people and have the capacity to mobilise them. This needs to be countered by an approach which articulates 'negative' and 'positive' utopias and shows how to get from the negative to the positive. Stereotypes offer a ready-made frame of reference to interpret 'reality'. ENAR aims to challenge this interpretation by reaching an inclusive and critical 'Europeanness' beyond the Lisbon Treaty, 'Fortress Europe' and excluding 'Territoriality'.

This Europeaness composes a reflexive transnational, post-colonial, post-Holocaust identity embracing all. Its practice is oriented towards co-operating, cohesive societies and diversity. It reflects critically its heritage and legacy.

Section 4:

Conclusions and Way Forward

Policy Implications and Recommendations

By Shannon Pfohman and Emma McCarron

With the aim of bringing together the discussions between academics, equality experts, activists, policy makers and foundation representatives that took place at the ENAR/OSF symposium on the Varieties of European Racism(s), this publication provides evidence of new and different forms of racism and identifies distinctive experiences of racism evident between different minority populations. It considers why some minorities are able to have their issues of concern heard on the political agenda, while other minorities' concerns are left unexplored, leading to their perceptions among the wider public of 'invisibility'. It also addresses the interconnections between institutional racism (structures and laws that legislate for exclusion) and popular racist culture identified by the symposium participants; distinguishing, for instance, the apparent challenges in quantifying racism, monitoring equality, dealing with hate crime and hate speech offenders, ensuring effective access to justice for victims, protecting human rights defenders, curtailing ethnic/racial profiling and other forms of state racism, and more. Beyond this, the publication sheds light on the structural and ideological aspects of racism and discrimination that drive racism and hate on the ground in the different EU Member States. Finally, this last section of the publication summarises the policy recommendations identified by the symposium participants and interlinks ENAR's future advocacy strategy.

In terms of the way forward, state actors, parliamentarians and civil society still face an uphill battle with many challenges. For one, the economic crisis has disproportionately impacted on ethnic and religious minorities in Europe, and has simultaneously led to reduced funding for civil society organisations working to combat racism and related discrimination. While this reality (resulting from ideological approaches to budgeting of public expenses) is making it increasingly difficult for anti-racist organisations to mobilise and counter racist sentiment,

the need to join forces and build coalitions to counter discriminatory tendencies is more important than ever. This is because the new hardships faced by many across Europe have sparked a worrying resurgence in nationalist, racist and exclusionary discourses and actions. Extremist groups supporting these ideas have been making electoral gains, unseen in previous decades. While much of their appeal lies in their ability to scapegoat certain groups for the difficulties now facing many across Europe and to unite their followers behind the idea that Europe or their country is under threat from ‘others’, the absence of an alternative narrative from other segments of the political and policy making spectrum has offered them a fast track to success.

The symposium generated an important number of recommendations. For the sake of reading ease, we have chosen to encapsulate in the forthcoming pages only the newest, most original or less expected recommendations.

General Recommendations:

- Actors in the anti-racist movement must actively delegitimise the racist, xenophobic and hateful discourses and actions of the burgeoning populist and extremist movements around Europe, especially those blaming the most vulnerable for the economic crisis.
- Concerted action is needed to recognise and combat racism in European societies. Efforts must not be limited to any one approach. Rather, sharing a common vision, mobilising different stakeholders, education, interracial interaction, community actions, positive action curtailing structural discrimination, are all needed to build a society based on solidarity and equality for all.

Coalition Building and Mobilising Different Stakeholders around a Common Vision – ENAR’s Positive Narrative on Equality and Diversity

With this in mind, ENAR has been advancing its advocacy work to articulate and promote a progressive narrative that recognises the

benefits of a racism-free Europe and that emphasises the vital importance of equality and diversity for achieving a vibrant European society and economy. This aims toward guaranteeing ‘full equality, solidarity, security and prosperity for all’ by maximising the potential of all and by collectively outshining racist ideologies and actions. Such efforts are a vital first step towards developing confident and strong communities, integrated and cohesive societies, as well as a stable and prosperous Europe. This is about collecting facts and framing reality in a progressive way to benefit everyone in Europe.

Recommendations:

- Anti-racism activists alone cannot bring about this much needed paradigm change; rather, they have to co-operate with a variety of different actors on the ground to raise awareness among the wider public about racism, because racism is a core social issue that concerns everyone.
- Collaboration is needed between vulnerable groups (to provide testimonies and expertise from personal accounts), between academics and think tanks (to provide evidenced-based arguments), among media experts (to convey factual messages communicated to appeal to the wider public), among NGOs (to advocate and improve policy), supported by foundations and donors (to advance these efforts), and among courageous political leaders and role models (to lead by example to promote equality and progressive values, to challenge hatred and the rejection of differences, and to end discriminatory divisions in society).
- Activists must be strategic in choosing who should tell ‘the story’, depending on the target audience and what is to be achieved. Stories and advocacy messages must be framed in personalised accounts, as this tends to secure wider support for the cause.
- The anti-racist movement must improve its use of functional connections and do more to maximise links between campaigners, lawyers, advocates, and academics. Together, the perception that racism festers only in the extremist margins of society can be tackled.

Influencing Public Sentiment through Media and the Arts

Symposium participants encouraged that greater connections be achieved with media and the arts in order to penetrate the emotional aspect of racism. Cinema, the press and television play a pivotal role in shaping our associations with people who are 'different'. One excellent example of media engagement in favour of anti-racism and societal change is the 1978 TV mini-series 'Holocaust: the story of Weiss Family', which helped to break German society's silence on the Holocaust and transformed the subject matter into a transcultural language. As a result of this medium, this sensitive issue took on a personalised nature for the viewers. With viewers relating to the Weiss family's story on a personal level, the sensitive issue of the Holocaust became accessible to a mainstream audience that had previously repressed any memories or discussions about the past or the Holocaust.

Recommendations:

- Civil society actors must use their expertise to assist media staff in finding and using fact-based evidence and personal testimonies in their media coverage as a way of contributing to informative and objective journalism.
- Civil society organisations must use the internet, in particular social media, to raise attention about the harms of hate speech as well as the rights of victims of hate speech.
- Anti-racist organisations need to work with the authorities and criminal investigators to identify websites and cases of hate speech on the internet.
- EU institutions and Member States must increase the use of existing prohibition of harassment in anti-discrimination law in order to better capture and punish racist speech and perpetrators of hate crimes and to realistically balance arguments on freedom of expression against values such as equality and dignity.

Quantification of Racism

At present we are dealing with an incomplete picture of racism and discrimination in Europe since many European countries do not use similar indicators or measurements to collect comparable and reliable data disaggregated by ethnicity, religion, nationality, migration background, etc. This leads to challenges related to quantifying racism. One reason for this is attributed to a lack of understanding on the varieties of European racism(s), but also reluctance to admit the pervasiveness of racism in European societies, among other explanations.

How much in the wider public is really known about racism after all? What is needed to link knowledge and empathy related to the injustices of racism and discrimination? How can this be shown and transmitted to others lucky enough to have evaded the lasting repercussions of exclusion and marginalisation? And for those who have suffered from racism and discrimination, what indicators must be developed to measure prejudice?

Recording hate crimes and hate speech is not enough. We must also acknowledge the silent victims. Many do not come forward due to lack of trust or conviction that anything will change. Internalised notions of persecution now shape views and reactions. Hence, it is important to also consider the silent perpetrators. After all, not all so-called ‘racists’ carry megaphones.⁸³ The manifestations of racism today have in some cases become subtler and more insidious than in the past. In light of the stigma now attached to the concept of racism, prejudice and hatred have evolved into more acceptable language and portrayals. What in past decades would have been expressed in terms of race is now framed as an issue relating to culture or religion. Islamophobia, anti-Black racism, anti-Semitism, etc. are often more subtle and ubiquitous. It is this constant drip, drip, day-to-day prejudice that must be tackled.

83 One outcome of the symposium was to cease referring to people as racist, but rather to refer to their actions and behaviours as racist. Once we call someone a racist, we reproduce the very behaviours we criticise by categorising and scorning the person.

Recommendations:

- Anti-racist actors need to highlight that racism is often subtle and inadvertent. The harm caused by the everyday, seemingly trivial racism woven into the fabric of our societies must be emphasised and tackled.
- Considering the changing and emerging manifestations of racism, different stakeholders must partner up to revise and improve the implementation of existing tools and legislation to counter racism and discrimination. The way forward must begin with an honest conversation about current injustices and policy deficits.
- While the recognition on the European agenda of the problems faced by the Roma is encouraging, similar actions must be taken by EU policy and decision makers relative to other minorities as well, including people of African descent, Muslim and Jewish communities, as well as migrant populations.⁸⁴
- EU institutions and Member States need to ensure that racism and xenophobia be punishable by effective, proportionate and dissuasive criminal penalties throughout the EU in accordance with the 2008 Framework Decision on combating racism and xenophobia.
- The European Commission must launch infringement proceedings as a follow-up to its impact assessment on the implementation of the Framework Decision and in consideration of it becoming a directive.
- EU institutions and Member States need to improve and encourage judicial cooperation in this to ensure strengthened penal provisions.

84 ENAR's latest European and national Shadow Reports indicate that immigrants and other ethnic minorities, especially Black Africans and Roma, continue to be the communities most vulnerable to discrimination and racism in Europe. See the Executive Summary of ENAR's European Shadow Report 2011/12 to be released in March 2013. ENAR is also creating community-focused thematic groups and collaborating with relevant activists, experts and policy makers, to develop framework strategies (on the basis the EU Framework for National Roma Integration Strategies) relative to specific minority communities, such as people of African descent and Black Europeans, and Muslims and Jewish communities. We aim to set the political agenda and ensure that the concerns of these communities are taken on.

- Anti-racist organisations should encourage civil actions by victims, as this may be more empowering than action taken by the state.
- Civil society, media experts as well as policy makers and public role models must work to debunk myths and stereotypes about minorities and migrants by using evidence-based arguments and raising awareness among the wider public about the pervasiveness of prejudice on the ground.
- Different stakeholders must collaborate to level out the playing field. One much needed strategy includes indicator setting, benchmarking, and collecting and monitoring disaggregated data in an attempt to quantify racism and ensure progress of imposed equality measures. Other strategies revolve around positive action policies, improving access to justice for victims, and countering institutional and state racism, just to name a few.

Disaggregated Data Collection

Due to the ongoing challenge of the lack of official data, discrimination and institutional racism are difficult to pinpoint. Ideological, practical, technical, and legal problems block the way to progress in this area. There are many different national practices and types of legislation, while in some cases it is socially unacceptable to collect data on ethnicity. In some countries, it is even legally forbidden to do so.

In Germany, for instance, there has long been a strong conviction and concern about ethnic data collection given its role during the Holocaust in enabling the Nazis to locate and persecute their victims. Deep objections regarding the collection and use of disaggregated data consequently influence any developments in this area, which is true of other countries as well, including France. A considerable obstacle in collecting equality data in France resonates in the belief that a colour-blind republican approach is the best way to fight discrimination. Dogmatic ideas about universalism also pose an obstacle to gathering information about ethnic origin,

notwithstanding the fact that a number of studies have shown that access to the labour market, job promotions, housing, leisure facilities, etc. vary according to ethnic origin even when age and education levels are monitored. It was further noted that anti-racist NGOs have been a source of considerable opposition to moves toward collecting data and that some organisations are keen to maintain a monopoly on their instruments for monitoring racism.

In spite of such accusations and fears, it would be naïve to think that data collection is not already in use and potentially being ‘misused’, at least from the perspective of anti-racist activists. For instance, research into UK counter-terrorism policy has revealed mining of banking data, and a number of public law cases from Paris have revealed that French institutions use racial categories in prison and other public institutions, irrespective of constitutional and political discourses. It has also been reported that the French police claim to use race as a means to describe and identify people rather than as a racial taxonomy, thus putting skin colour on a par with what the individual is wearing.⁸⁵

Meanwhile, many local authorities in the UK and more recently in Germany have come to realise the significance of collecting disaggregated data to monitor equality policies and progress in terms of advancing local integration and social inclusion policies. In addition, companies and other organisations who wish to implement equality policies or who are under an obligation to implement an equality plan must have the means and instruments available to measure which potentially discriminated groups are represented in the workforce. Data on country of birth and nationality, which are proxy variables for capturing a migrant’s status, are collected in large scale social surveys at the EU (e.g. the Labour Force Survey and the Survey on Income and Living Conditions) and national levels. Despite the usefulness of target-setting

85 The same policing approach applies in many other EU countries such as Austria, Germany, Greece, and Spain as well. See ENAR European Shadow Reports 2010/11 and 2011/12 and national Shadow Reports for more detail, http://www.enar-eu.org/Page_Generale.asp?DocID=15294&langue=EN.

and relying on data sets to monitor progress, there continues to be a widespread reluctance from EU Member States to collect disaggregated ethnic data. Without this, the situation of disadvantaged ethnic minorities cannot be ascertained but only guesstimated. Indeed, one of the requirements to ensure social inclusion policies deliver on improving the situation of ethnic minorities and migrants is that data actually be made available to measure progress.⁸⁶ Consequently, further efforts are needed to learn about and convey the advantages of disaggregated data collection to the wider public and to improve indicators by which to measure and analyse equality.⁸⁷

Recommendations:

- EU institutions and Member State governments must develop and implement a systemic and comparable EU-wide approach to collect and analyse data disaggregated by race/ethnicity that is mindful of data protection legislation and is used to monitor equality, social inclusion, and progress over corrective policies.
- A European-wide approach is needed for evaluating the systematic collection of comparable and reliable disaggregated ethnic data as a means for providing evidence of the existence of structural discrimination and variations in the different EU Member States.
- Civil society organisations must advance the equality agenda by advocating for a policy that respects minorities' rights to anonymity and ensures that no one will be stigmatised as a result of their special characteristics. They need to learn from existing good practices, for instance, by studying the practices for collecting anonymous and disaggregated data in the UK.
- While monitoring indicators on ethnicity is not uncontroversial or easy, ENAR and other civil society organisations must play a crucial role in challenging existing hypocrisies related to data collection, deconstructing the common fears about potential misuses of data.

⁸⁶ See ENAR's Fact Sheet on Social Inclusion and Data Collection for more information, http://cms.horus.be/files/99935/MediaArchive/Factsheet_Final.pdf.

⁸⁷ Aligned in the principle 'If you're not counted, you don't count', ENAR has prioritised disaggregated data collection as an advocacy priority in the coming years, assuming the role of archivist and truth-teller in discussions on institutional racism and disparate impact.

- Companies and other employers who wish to implement equality policies or who are under an obligation to implement an equality plan must put instruments in place to measure which potentially discriminated groups are represented in the workforce.

Racist Violence and Crime

There has also been an increase in racist violence and crime across Europe, although under-reporting makes it difficult to assess the full picture. Some countries criminalise racially motivated violence in any crime. However, evidence suggests that poor police responses to racially motivated crimes result in such crimes going undetected or worse, in re-victimisation. A number of organisations provide excellent support for victims of racist violence. Since many of those involved in such organisations are victims themselves, they understand the consequences and implications of victimisation in a way that state institutions cannot.

Recommendations:

- EU institutions and Member States must ensure that the rights as a victim are well known among the wider public, that emotional support before, during and after the criminal justice procedure be applied, and that financial and practical assistance be provided to victims following the crime. Likewise, assistance and support should be provided to victims to prepare and attend a trial, when applying for state compensation for criminal injuries, and advice should be given in respect to healthcare, home security, employment, privacy, finance, education, and support services.⁸⁸
- Civil society should push for a more victim-centric approach to bias crime, particularly when the crime is perpetrated by the state, the police or politicians through violence or racist language.

⁸⁸ The transposition of the proposed Directive establishing minimum standards on the rights, support and protection of victims of crime is of utmost importance in this regard. See Victim Support Europe's capacity building for EU crime victim support for more information.

- Anti-racist organisations should work with the police and train them on how to respond to racially motivated crimes to prevent such crimes from going undetected or from further re-victimisation of victims.
- Civil society organisations and policy makers must realise that ‘ordinary’ offenders compose the vast majority; they are often not committed bigots. Rather racist acts are expressive of the ideas absorbed through early socialisation. Civil society must thus provide assistance with the rehabilitation of hate criminals, where state services are lacking.
- Civil society organisations must work with policy makers to address the state’s ‘failing’ perpetrators of racism,⁸⁹ considering the fundamental difficulty with the way offenders are conceived.

Legal Redress and Access to Criminal Justice

When it comes to protecting victims of racism and discrimination and offering them access to justice or effective redress, many challenges remain. Despite the transposition of the Race Equality Directive (RED) in all the EU Member States, it remains unclear how well people are protected under this.⁹⁰ Due to variances in the formulations adopted in national legislation and in their interpretation, the implementation of the directives is applied differently among the Member States. Considering that the RED does not define how ‘ethnic or racial origin’ should be understood (FRA 2010), this is not surprising. The exact meaning of both race and ethnic origin vary according to the different perspectives, interpretations, and policies from one EU country to the next. For instance, the boundary between religion and ethnicity is still rather ambiguous in some countries: while discrimination against Jews has been recognised in the UK as ‘race’

⁸⁹ This term was used during the OSF/ENAR symposium by one of the experts to refer to perpetrators of violent racially-motivated crime. The idea was that the state and civil society have actually ‘failed’ perpetrators or violence by failing to explore or implement preventative measures before they became violent and politicised in their views of ‘others’.

⁹⁰ In the fall of 2013 the European Commission is expected to release an impact assessment on the implementation of the race and employment directives, which ought to shed more light on the discrepancies on the ground and the challenges of implementation and ensuring legal justice.

discrimination, Muslims are not seen as a ‘race’ in the UK, but they are according to Dutch law.⁹¹ There is also a clear trend that, although in many cases there have been provisions added to the laws to protect against racism and discrimination, there is nonetheless a lack of implementation and, resultantly, an unrealistically low number of cases brought to court or prosecuted on the basis of the RED.

Access to legal redress also appears to generally be a time-consuming and complicated procedure. In many countries, the victims of injustice must seek redress from various different bodies, depending on the grounds for their complaint, i.e. whether gender related or race related, for instance. This tends to confuse and complicate the process, resulting in fewer cases moving forward.

Much work is needed in this area to ensure stronger protections to legal justice and to break down existing barriers, such as under-reporting attributed to the lack of trust in police authorities, courts or equality bodies. Another barrier is reflected by victims often lacking knowledge of their rights and/or confidence in the ability of the authorities to do anything to protect them or to enable access to legal redress. Moreover, equality bodies often lack powers, funding, and independence to fully answer the needs of victims and meet the obligations set out in EU and national law. Seeking legal redress can also be financially prohibitive since not all EU countries provide legal aid to victims of crime. Despite recent moves to criminalise bias violence in a number of European countries, different stakeholders must act urgently to eliminate racist violence in Europe, and tackle the many remaining problems listed above.

91 In Denmark, for instance, migrants are protected by law from discrimination based on race/ethnicity and religion/belief (national transposition of the equality directives in this case included religion as a grounds for discrimination), but they are not protected from discrimination based on nationality, since it is not defined in the Ethnic Equal Treatment Act or the Employment Act. Differential treatment based on nationality (unlike in 15 other European countries) is not covered in fields such as employment, or access to housing and healthcare, while case-law needs to confirm whether criminal law covers direct religious discrimination in regard to social protection and benefits. See ENAR National Shadow Reports 2010/11, http://www.enar-eu.org/Page_Generale.asp?DocID=15294&langue=EN for more information.

Recommendations:

- Policy makers, police and equality bodies need to improve the structures in place to foster trust between victims and public authorities, like the police, courts, and equality bodies, to encourage victims of crime to report the incident. Victims need to know and feel confident that the state is acting in their best interests.
- Victims must receive legal aid regardless of their income levels or category. All EU Member States should offer free legal advice to victims. Legal aid must be readily available and easy to access. Language problems should not impair a victim's right to attaining sufficient legal support.
- Different stakeholders, most notably equality body representatives, lawyers and victims' advocates must encourage and support strategic litigation in front of the European Court of Justice to set legal precedents on the scope and extent of protection against discrimination in the workplace.
- Equality bodies must be strengthened with appropriate funding to effectively carry out the responsibilities assigned to them under EU and national legislation. The independence and impartiality of these bodies must also be secured. Equality ombudspersons should be granted powers to be allowed to represent victims in court.
- The provisions of international, European and national law on anti-discrimination must be abided by. Ongoing monitoring of the implementation and provision of support is essential, with consultation and exchange between the European Union Fundamental Rights Agency, the European Commission, equality bodies, and civil society actors.
- EU institutions and national governments must raise awareness of rights and ensure that effective enforcement models are put in place to tackle discrimination. They must ensure stronger protections to legal justice by addressing barriers, such as the lack of trust in police authorities and equality bodies, to encourage victims to come forward with cases of racism and discrimination. Improved standards for recording hate crime incidents systematically, including details on the type of crime, are needed

across the EU. Increased resources must be made available to train the police and criminal justice actors to investigate racist crime diligently while treating victims with compassion.

- EU Member States must adopt the 2008 Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.
- The European Commission must launch infringement proceedings as a follow-up to its impact assessment on the implementation of the race and employment equality directives.

Ethnic/Racial Profiling

Structural discrimination continues to be highly problematic in the criminal justice arena. Civil society organisations clearly have a broad role to play in challenging state racism and in filling in the gaps in state protection. Addressing ethnic/racial profiling would be one area to tackle, as it is considered a type of racial/ethnic discrimination carried out by officials based on stereotypes. Ethnic profiling generally manifests itself in the use of stop and search powers and is a priority concern for ethnic minority communities and NGOs, because it can lead (and has led) to disproportionate use by police of those powers, especially when applied without reasonable suspicion. For instance, very good data collection exists (or used to) in the UK, in which the ethnicity of individuals being stopped and searched by police were recorded and evaluated.⁹² Based on reports from StopWatch, black people are seven times more likely to be stopped than white people and Asians are two times more likely in the UK. These numbers rise to 26 more times when it comes to controls for gang-related crimes (10 per cent). There is no objective evidence, however, that this sort of control measure works. There are a lot of accounts collected from the 1960s and 1970s, but there is no collection of data. In France,

92 The issue of ethnic profiling first became known in 1981, when everyone in a particular area, where mostly black people lived, was stopped. The consequence of the 1981 event was that a system was introduced where police officers were required to record who they stop. This system has meanwhile been removed.

groups of lawyers have been experimenting innovative ways to identify racial discrimination in stop and search policies by using affidavit evidence where more than one person is stopped at a time.

Recommendations:

- EU institutions and Member States should fund research to support advocacy and good practices in order to address ethnic/racial profiling. This includes a review of the methodology applied in the European Social Survey and Eurojustis surveys. Where and how respondents are identified and how ethnicity is recorded should be included in the Eurojustis as well as its booster surveys.
- Member States should ensure that appropriate data is collected about policing, stops and searches, and their impact on individuals and society. They should analyse this data according to procedural justice theories and ensure that discrimination can be proved even if the data recorded does not include the name of the individual stopped.
- EU institutions should advise and provide recommendations to EU Member States on procedures for collecting, monitoring and evaluating this sort of policing data. Comparisons should be made between the different countries and best practices transferred.
- Civil society organisations must challenge state racism and fill in the gaps regarding state protection. They should cooperate with police and criminal inspection officials to train them about the discriminatory nature of ethnic/racial profiling. In particular, they should emphasise that ethnic profiling makes policing more difficult and is ineffective in curbing crime. In fact, it tends to create greater societal and security conflicts and contributes to migrants and minorities' mistrust of police and other state authorities.
- Civil society organisations must raise attention among the communities most likely to be affected by ethnic profiling – minorities and migrants – so they are informed of their rights and how to bring forward complaints.

Protecting Human Rights Defenders in Europe

ENAR has been working to raise awareness of the increasing vulnerability of human rights defenders within Europe in particular and to denounce the EU's lack of political will to support and protect them. Despite our advocacy efforts, this issue gains little recognition from EU institution representatives. The criminalisation of human rights and migrants' rights defenders is a European problem, though, and should be addressed as such. Concrete and effective actions need to be taken to ensure EU support and protection of human rights defenders within the EU. It is crucial that human rights defenders be able to support migrants, refugees and ethnic minorities, who should be guaranteed access to their rights as enshrined in EU law, and to do this without threat or danger to themselves. The EU Guidelines on Human Rights Defenders make clear that the EU supports the principles contained in the UN Declaration on Human Rights Defenders in non-EU countries and stress that, although the work of human rights defenders often involves criticism of governments' policies and actions, governments should not view this negatively. In addition, the Guidelines emphasise the role of EU missions in adopting a proactive policy towards human rights defenders based outside of Europe. If the EU really supports and promotes the UN Declaration, then it should ensure that all EU Member States respect the provisions, and that a policy on human rights defenders be developed to provide support and assistance *within* the EU.

Recommendations:

- EU institutions and Member States need to recognise that criminalisation of human rights and migrants' rights defenders is a European problem and needs to be addressed as such.
- EU Member States must respect the provisions in the UN Declaration, and develop a policy on human rights defenders to provide support and assistance *within* the EU.
- In supporting the principles contained in the UN Declaration on Human Rights Defenders, EU institutions and Member States need not feel attacked as a result of civil society actors criticising certain European policies and (in)actions.

- Civil society organisations must speak out against the victimisation and criminalisation of activists and ensure the protection of human rights defenders within Europe as well as beyond its borders.

Combating Structural Discrimination in Employment

The elimination of intolerance will not in itself create inclusion. Structural discrimination continues to weave its tight web, resulting in serious disadvantages for certain groups in society. Discrimination in employment, for instance, continues to be problematic for migrants and minorities who often face high unemployment rates, work in low paid, unskilled manual jobs where conditions are generally poor and the potential for exploitation and abuse by employers is greater. Despite the transposition of the EU Employment Directive, many barriers in the area of employment remain. Some revolve around language proficiency and host society expectations, under-employment, difficulties having qualifications attained abroad recognised, and informal recruitment practices that are discriminatory in nature, just to name a few.⁹³

Recommendations:

- EU institutions and Member States must eliminate institutional and structural discrimination to allow European society to tap into the reservoirs of wasted talent that form when migrants and ethnic minorities are discriminated against in the workforce. They should do this by first gaining a clearer understanding of the many policies and practices that victims, anti-racist activists, academics and equality

⁹³ In this same vein, ENAR will work with the European Commission to foster and promote diversity charters (http://ec.europa.eu/justice/discrimination/diversity/diversity-charters/index_en.htm) and diversity labels, while also reflecting possibilities for expanding the scope and accreditation options around these. For example, the ENAR Foundation has developed a Europe-wide Certificate in Holistic Diversity Management™ (see: <http://www.enarfoundation.eu/Consultancy-services/>).

body representatives perceive to be institutional/structural discrimination.⁹⁴

- EU institutions and Member States need to provide guidance and standards to public and private employers on how to integrate reasonable accommodation in the workplace, with guidelines and practical examples putting forward the business case for diversity.
- EU institutions and Member States should promote the ratification and implementation of the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
- Different stakeholders must explore thoroughly the implications of reasonable accommodation legislation for public and private companies by organising experts' debates or funding to dedicated research programmes. They should increase the knowledge of practices in the national contexts by commissioning research describing and analysing practices of reasonable accommodation of cultural and religious diversity on the ground to inform the debates objectively.
- Close collaboration is needed among employers, trade unions, European and national institutions, and civil society organisations to explore, collect and transfer good practices aiming at increasing equal and unrestricted access to the labour market for migrants and ethnic and religious minorities in Europe.⁹⁵ Different stakeholders must tackle this issue in support of the Europe 2020 Strategy's headline target of getting 75% of people aged 20-64 into quality and well-remunerated employment.

94 In order to contribute to discussions on the wider public's knowledge of racism and discrimination, ENAR is developing two surveys: one is to assess knowledge on structural discrimination in employment among European policy makers and ENAR's own members; the second is to assess the understanding of racism among European policy makers and ENAR members in particular relating to anti-Semitism, anti-Black racism, Islamophobia, and Romaphobia/anti-Gypsyism.

95 See, for instance, ENAR's equal@work initiative which brings different stakeholders together to apply practical solutions and promote equality in employment. ENAR is working to raise awareness and to overturn structural discrimination, particularly in the field of employment, since employment today remains the main gate to social inclusion. For more information: www.enar-eu.org/Page_Generale.asp?DocID=28886&langue=EN.

- Different types of stakeholders need to adopt proactive techniques of protection, advancement and mainstreaming of cultural and religious equality, inter alia positive action measures and positive duties to promote equality with incentives.⁹⁶ They must further extrapolate this in different contexts to reduce implicit biases.
- Civil society organisations need to influence employers' organisations, trade unions, EU institutions and Member States bodies to conduct awareness raising and promotional activities on equality legislation, especially on indirect discrimination and reasonable accommodation. More funding needs to be allotted to actions to that effect.
- Different types of stakeholders should organise public awareness raising and promotional activities on the benefits of diversity, inter alia diversity awards promoting good practices on combating structural racism in the workplace with reasonable accommodation as a best practice.
- The duty of reasonable accommodation should be included in diversity charters and labels.

Raising Awareness through Anti-Discrimination, Diversity, Equality and Intercultural Trainings

A common preventative measure for altering biases and stereotypes – that are often deeply ingrained and sometimes unconscious – is to practice consciously unlearning stereotypical patterns of thinking and behaving. Anti-discrimination, diversity, equality and intercultural trainings have become a useful methodology for raising

⁹⁶ In clarifying the goal of the positive action, ensure it tackle three distinct elements: (1) stereotypes; (2) emotional element (fear); and (3) behavioural element (discrimination). Stereotypes and emotions are closely linked, while the emotional element of racism appears to be relatively independent from and resistant to the cognitive elements. The symposium participants also discussed to what extent positive action can increase the frequency of interracial contacts which, studies have shown, contributes to reducing racism. Adhere to the two main conditions to ensure that positive actions succeed in reducing racism: (1) all members have equal standing; and (2) co-operate with authoritative institutions. Experience also shows that positive action projects are most effective when the 'race' element is not overemphasised, especially if participants do not know that a certain task has been arranged to promote diversity.

awareness of biases and becoming more sensitised to individual prejudices. The intention is to transition from ‘unconscious incompetence’ (or ignorance) to ‘unconscious competence’ while also examining various understandings of culture.⁹⁷ Training approaches vary; some use a more indirect approach, whereby individuals are asked ‘what is your experience of ‘being different’?’ in the hope that the participants may themselves come to recognise that their behaviour may be racist. Less confrontational approaches can be useful to avoid directly dividing people into ‘racist’ or ‘anti-racist’ categories, which is important for stimulating internal change processes. Such trainings have gained recent popularity and support in Europe, particularly in the area of human resources and among service providers.

Recommendations:

- EU institutions and Member States should invest more in anti-discrimination, diversity, equality and intercultural education and training to eventually be able to raise the standards for equal opportunities and diversity management.
- EU institutions and Member States should provide funding and employers should invest more in the implementation of diversity task-forces in the workplace. This should include training and awareness raising activities on the benefits of diversity and non-discrimination practices, as well as the legislative framework.
- Trainings should question culture, address biases linked to characteristics of visible difference, as well as the existence of power contexts in every interaction or working relationship.⁹⁸

97 This refers to William Howell’s four model phase of competence learning and ranging from conscious incompetence, unconscious incompetence, conscious competence, to unconscious competence. This four phase model covers the spectrum of learning an individual goes through from first being unaware of his/her stereotypes and intercultural biases and unintentionally making cultural blunders and discriminating to consciousness, practice and knowledge acquisition to being comfortable and at ease enough to no longer need to be consciously competent – rather it comes naturally, i.e. unconsciously.

98 See, for example, the OSCE human Rights Training Manual for Social Workers, http://www.oscebih.org/documents/osce_bih_doc_2010092008502234eng.pdf or the Council of Europe’s Compass training book, <http://eycb.coe.int/compass/en/ordercompass.asp>.

How do older and emerging forms of racism coexist and manifest themselves in Europe today? What is the impact for the communities affected? How can we influence racist and xenophobic attitudes and discourses and develop more effective policies to counter them?

This collection of essays brings together various discussions between academics, equality experts and civil society activists, who participated in the ENAR/OSF symposium on the Varieties of European Racism(s) in Brussels on 27-28 September 2012. The publication provides evidence of new and different forms of racism and identifies distinctive experiences of racism between different minority populations. It considers why some minorities are able to have their issues of concern on the political agenda, while other minorities' preoccupations are left unexplored, leading to their perceptions among the wider public of 'invisibility'. It also addresses the interconnections between institutional racism (structures and laws that legislate for exclusion) and popular racist culture; distinguishing, for instance, the apparent challenges in quantifying racism, monitoring equality, dealing with hate crime and hate speech offenders, ensuring effective access to justice for victims, protecting human rights defenders, curtailing ethnic/racial profiling and other forms of state racism, and more.