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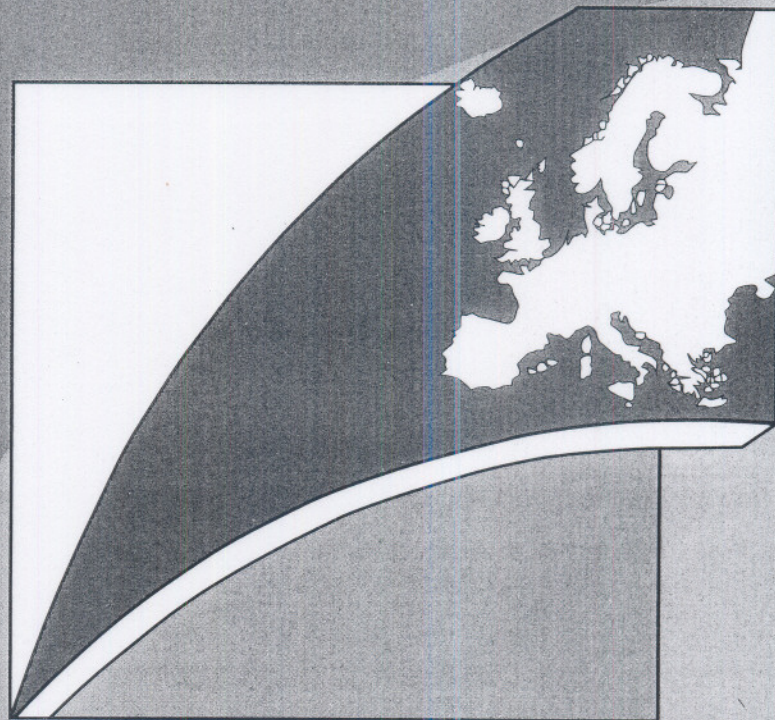
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SUMMARY / SOMMAIRE

INSTITUTIONAL RACISM IN IRELAND: ETHNIC AND RELIGIOUS MINORITIES IN CRIMINAL JUSTICE AND SOCIAL CARE PROVISION SYSTEMS

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Abstract:

Institutional racism is a topic untouched by Irish academic research to date. This article will attempt to begin the process of examining theoretical material relating to Institutional racism, and placing it in the context of current Irish Government policy and practice regarding immigrants and ethnic minorities. The provision of essential services to minorities in particular is addressed, with a focus on criminal and social service providers. It is clear that –as of yet- little has been done in Ireland to attempt to combat this most insidious form of racism.

Introduction

This paper is presented at a very early stage of my research into institutional racism. Therefore, the paper will not seek to provide definitive answers to a complex problem, rather, it is intended to introduce the concept in an Irish context, and examine its implications for social and criminal justice service providers here. In endeavouring to do this, the paper will begin by discussing some interpretations of what institutional racism is. The clear distinction between 'overt' racism and this more insidious type will be outlined. The author will discuss this

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'unwitting' form of racism in the context of the Irish criminal justice and social care provision systems, and examine where racism arises 'through a lack of understanding, ignorance or mistaken beliefs' (Macpherson Report, 1999). The paper will suggest that this particular form of racism presents the most challenging of discriminatory behaviours; it can arise from well intentioned but patronising words or actions. It can arise from unfamiliarity with the behaviour or cultural traditions of people from ethnic or religious minorities.

This paper will therefore situate Irish social service and criminal justice provision within the context of the international literature on institutional racism, and construct an understanding of institutional racism which is taken from this point, through the rest of the paper. Further, for the purposes of providing some context for this topic, a brief overview of the concept of race and racism in contemporary Ireland is included. The penultimate section of the paper juxtaposes the theoretical material on institutional racism with the situation in Ireland in terms of social and criminal justice service provision, before the paper finally examines some of the implications of the above for the future, and draws some tentative conclusions based on the extent of the research conducted thus far. Finally, it should also be noted that the areas of service provision under which the paper will discuss institutional racism are collectively named as social and criminal justice service providers. This is intended to include, social workers, social care workers, social welfare staff, the Garda Siochana[2], prison officers, immigration officials, and probation workers. Essentially these categories are the first -and often principal-agents of the State which many minorities encounter, and therefore are a crucial element of the integration process.

Institutional Racism

The term itself was coined in 1967 in the US by black power activists and authors Stokely Carmichael and Charles V. Hamilton (1967) who wrote that racism 'is pervasive and permeates society on both the individual and institutional level, covertly and overtly'. This division between overt and covert, or individual and institutional racism has proven to be a contentious, but illuminating theoretical notion, which has been extremely useful in attempting to understand the social dynamics of discrimination.

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2 Irish Police Force, translates literally from Gaeilge as 'Guardians of the Peace'

It seems most important to first set out this distinction between personal racism, and the institutional racism with which this paper is concerned. Personal racism, as the term would suggest, is expressed by individuals or small groups which indicates bigotry or prejudice against those deemed 'racially' inferior... it may take such forms as 'espousing stereotypes based on alleged racial differences, using racial slurs, and engaging in discriminatory treatment, harassment, and threats or acts of violence' (Neubeck and Glasberg, 2005).

As damaging as this form of racism has been in Ireland (for instance see Loyal and Mulcahy, 2001), it clearly has less profound implications on the life chances of a minority than does experiencing racism as built into the surrounding social institutions. The concept of institutional racism describes then how minorities suffer from discrimination 'when racism within society becomes reflected in organisations and institutions. The discriminations experienced by minorities may be unintentional but they are often profound' (Fanning, 2002).

Neubeck and Glasberg highlight the nebulous nature of institutional racism further; 'the routine everyday operation of societal institutions fosters majority privilege and advantage. Institutional racism often operates silently and subtly, through processes which are not immediately obvious, and that are difficult to detect and observe' (2005). Perhaps the most widely utilised definition thus far is that outlined in the McPherson Report (1999), here institutional racism is:

> *'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 unwilling prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people'.*

It is this 'unintentionality' or anonymity which appears the most alarming aspect of the phenomenon; Cashmore elaborates further on this feature; where he refers to the anonymous or unwitting operation of discrimination in organisations or societies' (1996). It is anonymous in that individuals can deny the charge of racism and absolve themselves from responsibility. The causes are 'to be sought in the institutions, in the unspoken assumptions on which those organisations base their practices and the unquestioned principles they may use' (Cashmore, 1996). Indeed, as Fanning points out (2002), some definitions of institutional racism depict it as a 'dynamic between individual behaviour and institutional

norms whereby excluded groups face discrimination and then are blamed for their 'failure'. Inevitably from this perspective, minorities face discrimination as the square pegs rejected by the round holes of practices orientated towards dominant understandings of community needs. This -quite subtle and elusive- characteristic of institutional racism consists of treatment which may be described as equal in a formal sense as between different groups, but discriminatory in its effect on particular groups (Forbes and Mead, 1992).

This notion of 'unwitting' or unintentional racism is a particularly troublesome one. It is clearly very difficult to define or deconstruct, yet, given the weight of evidence in recent research, it certainly exists. It appears to lie in the making of certain assumptions about *individuals*, on the basis of *generalised* information, or indeed, misinformation, as pointed out by Robert Skidelsky (in Green (Ed) et al, 2000). Institutional racism denies that intentionality or motivation are measures of the presence or absence of racism (Miles and Brown, 2003). Preconceptions therefore, appear to be a central element, and the fact that such preconceptions exist even where the individual would not consider himself or herself racist, highlights the fact that institutional racism is best considered an expression of collective, rather than purely individual sentiment (Oakley cited in Grieve and French, in Green (Ed) et al, 2000). For the purposes of clarity, it was felt that the following quotation from former English Labour Politician Roy Hattersley very succinctly illuminates this aspect of the problem;

> *'there are men and women who happily live next door to a black family in the genuine belief that their friendly, law- abiding neighbours were not typical of their race. The real problem... is that institutional racists have no idea how racist they are* (cited in Grieve and French, in Green (Ed) et al, 2000)

Finally, it is worth remembering that daily roles of Social and Criminal justice service providers, unlike most professional activities, brings them into contact with a skewed cross- section of society, with recognised potential for producing negative stereotypes of certain groups. These stereotypes can become the common currency of the service provider's occupational culture, or habitus. Williams refers to this notion as 'the chains of unwilling actions'… where the contingencies of the institutional role are more significant than an individual attitude or person in determining those actions and decisions that make a difference with respect of racial realities (1985). The fact that this appears to be more the case for the Gardai than other institutions reinforces this perspective further. A recent (2004) independent human rights audit of An Gardai

Siochana found that 'procedures and operating practices within the force can lead to institutional racism' particularly in relation to Nigerians, Travellers, and Muslims' (Ionann Management Consultants). Further, 'many members (Gardai) held negative and stereotypical views of certain communities, which were based on their own experiences and perceptions rather than any hard statistical evidence' (2004). In short, it would appear, the more skewed the cross section of society which the service provider deals with, then the more likely it is that the conditions for institutional racism are created.

The Context: Racism in Ireland

This section is intended to provide some context for a discussion of Irish institutional racism later in the paper. This section is not intended to present the totality of racism in an Irish context; rather it is simply to provide some sense of the extent of the prevalence of individual racism in contemporary Ireland. While the study of racism has been an area rather neglected by academic research in Ireland, 'in particular since 1997, there is widespread evidence that the first reaction to immigrants of colour, asylum seekers and often foreigners in general have been negative, crude and indeed, at times, criminal' (O'Connell, 2003). A small number of studies have been conducted which broadly reflect this view, an Amnesty International survey quoted in Casey and O'Connell (2000) noted that *most* black people (whether Irish or not) have experienced racist abuse, either physical or verbal. Curry's (2000) survey in Central Dublin suggests a high level of social distance (a dislike of intimacy) towards minorities were typical among the sample, as well as strongly held negative stereotypes about asylum seekers from various countries (in O'Connell, 2003). O'Connell (2003) outlines some examples of racist attacks in Ireland, including; 'the brutal kicking of a pregnant asylum seeker from Angola, a stabbing of a Nigerian asylum seeker by a gang in O'Connell Street, Dublin…a white Englishman, David Richardson, walking with his black wife along Pearse Street (beside Trinity College) was stabbed and critically injured by a group of Irish teenagers shouting racist abuse…'. Even to list all such attacks, at this juncture, would utilise the entire length of this paper, however, McVeigh and Lentin (2002) does contain a more extensive account of racist assault here. Ireland can clearly be considered an example of a nation where the ideological notion of an already established 'homogenous society' has produced its own racist practice. Racialised 'outsiders' have come to represent the presumed chaos which lies outside the protection of the 'Irish' community. In this context, 'community' is not simply a warm embracing notion, but rather a central element in communal repression (Lorenz, 1994).

Moran (2003) would appear correct in noting that the majority of Irish people would 'find it difficult to comprehend the all- embracing pervasiveness of racism in Irish society' and his assertion that 'Racism runs through all strands of our interactions, our agencies, and our services' appears an accurate diagnosis. It is interesting to note that the Time Out Guide to Dublin (2002) warns black visitors of a 'particularly lurid, visible and audible racism' prevalent in the capital. Evidence would seem to suggest that many Irish people prefer considerable social distance between themselves and immigrant communities, (O'Connell, 2003). Collins and Cradden (2004) report the 'more than 100% rise' from 1990 to 2000 in the number of respondents selecting immigrants as undesirable neighbours in the European Values Survey, reflecting similar sentiments in Britain where; 'the areas in which they lived were seen as localities where an immigrant presence combined with social deprivation and poverty to produce not only criminal behaviour but also values that lay outside those of mainstream society' (Solomos, 2003).

Given the issues outlined above, it appears that the NGO Alliance Shadow Report to CERD was broadly correct in arguing that the Government has failed to honour it's obligations under the United Nations Convention on the Elimination of All Forms of Racial Discrimination… and further… that it has acted in a manner that significantly undermines values of equality and non- discrimination in Irish society (2004). The Irish Government's immigration policy also appears to play a significant role in this undermining of integrative efforts. Indeed, my own analyses of Irish immigration policy (see for example; Culleton, 2003, Culleton, 2005) suggest that the immigration system is fundamentally designed to reduce the numbers of unskilled/ low skilled people attempting to enter Ireland from outside the EU, rather than providing a coherent, integrated immigration system, which is balanced between; on one hand, preventing abuse of Ireland's structures of services, and on the other effectively integrating immigrants, and maintaining social cohesion. Current practices appear to be profoundly negative in interpretation and application, with considerable powers inferred on Gardai, immigration officials, social and criminal justice workers and other Government officials to 'police' immigrants. There is however little evidence to suggest that matching efforts have been made in attempting to facilitate their participation in Irish society. Hence, immigrants are viewed as economically necessary, or 'pulled' here by market forces. The fact that these individuals also spend -at least a little of- their time in Ireland *not* working, appears to have had little impact in immigration policy thus far.

and values to minorities contains marginalising and repressive elements. There is only a thin line between the use of dominant norms, rejection of 'ethnic' behaviour, and coercion to adapt' (1994).

Functions of State, legislation and policy.

The Government has been reluctant to allow immigration institutions to interact with other elements of social and criminal justice provision. Further, as will be outlined, the legislation which compromises the foundation of Ireland's anti- racism policy is not designed to make an impact on institutional racism in the case of the service providers in question. Almost bizarrely, the Equal Status Act, 2000 does not cover Government functions. Public servants carrying out functions of the State have in most cases received very little or no anti- racism training, and 'there have been consistent reports of problems of racist attitudes in such areas as the judiciary, local government and the prison service' (NGO Alliance, 2004).

As noted, the above Act does not include Government functions. This is a vital factor in our considerations here, given our focus on Social and Criminal justice service providers. Amendments have been made to this Act which brings it in line with the EU Race Directive (2000). Interestingly however, not all the provisions of the above directive were included in the Irish amendment. Centrally, article three paragraph one of the Directive was omitted. This section provides that it shall apply to all persons as regards both public and private sectors including public bodies in relation to: (e) social protection, including security and health care, (f) social advantages, (g) education; (h) access to and supply of goods and services which are available to the public, including housing. Given the importance of this element of the Directive, it is worth considering the decision not to include it. A more caustic observer may point to the fact that, in the case of (e) above, considerable and expensive changes to welfare and criminal justice provision and training would be required. In terms of (f) some form of 'Affirmative Action' programme may be required, also expensive, and historically politically unpopular in other countries. While Primary and Secondary Education in Ireland could be considered relatively egalitarian in terms of access, currently access to third level education is very unbalanced, as the low numbers of Travellers, Asylum Seekers and non- EU citizens in Irish Universities would appear to indicate. Again, considering the potential costs involved any changes to this policy would be prohibitive. Minister of State Willie O'Dea noted that, 'it was considered that paying grants to all comers could place intolerable

In terms of institutional racism more specifically, as noted, there is a dearth of available information in the Irish context. In fact, what little work does exist tends to posit institutional racism as something which clearly exists, rather than a phenomenon which remains -thus far- completely unexplored by Irish academia. For example, Fanning (2002) notes that the history of Ireland's refugee policy reveals 'a legacy of racism within political and administrative processes'. Niall Crowley (Director of the Equality Authority) describes the ill health, poor accommodation and poverty of Irish Travellers as 'graphic evidence of institutional racism' (Crowley, 2006). While the evidence above, (as well as past experience), would suggest that both of these statements are accurate, at no point has any empirical research been done in Ireland, in relation to institutional racism.

Service Provision and Institutional Racism in Ireland

Policy approaches to the disadvantage and discrimination experienced by ethnic groups in society are underpinned by different conceptions of justice and equality (Forbes and Mead, 1992). Ireland's policies in this field thus far appear to closest resemble the 'colour blind' or equal treatment approach. This is based on the notion that if all people are treated equally, then fairness will be served. Not unreasonably, this approach presumes that everyone is basically equal, this will be recognised, and therefore everyone is treated alike. As Forbes and Mead (1992) note however, in practice this tends to mean that while prohibitions are put in place regarding deliberate discrimination, there is no expectation that unequal outcomes could possibly take place. Hence the ruling idea is that good intentions produce equality and justice. However, vast tracts of the literature in this field have found that policies based on this view entrench the existing pattern of disadvantage. 'Opportunities are not provided indiscriminately, but treatment is equalised under *existing* patterns of resource distribution and preferment' Forbes and Mead, 1992). Aside from leaving untouched already existing injustice, it also ignores the incidences of unintentional discrimination. Lorenz (1994) succinctly demonstrates that the fundamental problem with 'colour blind' or culturally tolerant service provision is the issue of power, 'the norm of cultural tolerance has two sides. The dominant group is expected to be tolerant. Therefore, the dominated must believe in the 'goodwill' of the dominant group. Obviously, the idea that both parties must be equally tolerant ignores the power differences involved'. Further, 'the application of white norms

strains on the student support system and might act as an incentive for non- EU nationals to come to the State' (Dail[3] Debates, May 2004). Finally, in particular, the case of Asylum Seekers appears to confound (h) above. Clearly the Government polices of dispersal and direct provision do not lend themselves to this provision, the notion of easy access to goods and services means little to one with nineteen euros (State provided 'comfort money') per week to spend.

Several other issues deserve brief consideration in this regard before concluding. In particular the Immigration Act 2004 which includes the provision that foreign nationals are required to register and carry identification at all times, unlike Irish citizens. It gives the right to police to stop foreign nationals and ask for such identification at any time, of anyone they 'reasonably believe to be a non- national' according to the legislation. This clearly has the potential to cause considerable alienation from the police, as well as being open to abuse, should a Guard so-choose. The record of the criminal justice system is hardly exemplary in terms of instances of ethnic discrimination, space prohibits a detailed list of examples, however, several related issues have garnered media coverage. One example in particular stood out in the literature; the NGO Alliance note the conduct of Judge Coughlin in Cork who, on sentencing a Nigerian asylum seeker, noted that 'People who are guests in Ireland should not be obstructing or causing hassle to Gardai and his friends should be told that as well'. The man was stopped on the way to hospital with his sick child, and did not have an identity card to show Gardai. The sentence was two months in prison for obstruction.

Conclusions

Institutional racism is the way in which minority ethnic groups suffer discrimination because of inherent racism in the structures of society. It can restrict services and access to resources for minority groups. It prevents equal participation and results in lower status in areas such as employment, education and health' (NGO Alliance, 2001). The concept has become central in the race and ethnic relations vocabulary and, despite its aforementioned conceptual elasticity, it has been useful in analysing how institutions can operate along racist lines without acknowledging or even recognising this, and how such operations can persist in the face of official policies intended to remove discrimination (Cashmore, 1996).

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3   The Dail is the Irish Chamber of Parliament

Clearly the provision of social and criminal justice services is an area which is rapidly changing, and one prone to considerable political conflict and widely differing sets of values (Thompson, 2001). Therefore, 'in developing an anti racist and anti discriminatory orientation of practice' these service providers have to remain conscious that 'inclusive or exclusive practices against groups like Travellers, foreigners or asylum seekers are not primarily a matter of individuals likes or dislikes, of personal attitudes, but the product of systemic policies which frame social work interventions' (Lorenz, 1994). Social Work with ethnic minority clients must operate on the basis of cultural difference, not deficit. Steps must be taken to ensure that assessment and intervention do not hinge on negative stereotypes- assumptions must be carefully qualified. 'The common ethnocentric tendency to pathologise minority families, individuals or communities is a considerable danger' (Thompson, 2001). In light of the topic under discussion, perhaps a suitable example would be the ideological tendency to assume the propensity towards higher crime levels amongst minorities. In light of the evidence presented, it is difficult to argue with Brian Fanning's conclusion that, for the future of Irish society, 'A strong multiculturalism requires a commitment to the equitable social integration of diverse communities. It necessitates comprehensive measures to contest institutional racism (Fanning, 2002).

Finally, it is worth remembering too, that the reality of institutional racism may be considerably worse in areas other than in criminal and social service provision. As Smith (1995) noted, 'Although these service providing institutions are hardly free from racist ideas and practices it should be acknowledged that they have taken anti racism more seriously than other institutions'. It certainly seems that the most positive steps towards integration have been taken not by Government itself, but through formal and informal connections made by individuals through institutions and broader society. As Robbie McVeigh notes 'just as the Irish situation produces a racism specific to it, so it can be used to inform an Irish anti- racism which is similarly specific' (1992).

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