From racial state to racist state: Ireland on the eve of the citizenship referendum

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Introduction: Racism in Ireland, the contradictions

On June 11 2004 the Irish electorate will vote in a referendum to change Article 9 of the Irish Constitution, according to which persons born on the island of Ireland who do not have at least one parent who is an Irish citizen, will not be entitled to Irish citizenship. This article looks at some implications of this referendum to racism and immigration controls in 21st century Ireland.

In June 2003, Michael McDowell, Ireland’s Minister of Justice, Equality and Law Reform, within whose responsibility lie both immigration control and government-sponsored antiracism initiatives, stated that Ireland is not a racist society. The government committed itself to contradictory—in the Programme for Government to both ‘diversity, equality and cultural difference’ and to an ‘increase in the rate of repatriation (of asylum seekers)’, summarises the contradictions inherent in the debate on racism in Ireland. While racism in Ireland is vehemently denied, in-migration is theorised as ‘new’ and ‘sudden’, and the effect of racialisations on the lives of racialised populations in Ireland is minimised, the commitment to restrict immigration and increase deportations has never been more explicit. Echoed by a chorus of media commentators, the Minister’s insistence that only in the 1990s in Ireland has been transformed from a ‘nursery of emigration’ to an ‘international city’, migration can easily be refuted. Multi-ethnicity, in-migration and racism are not new phenomena: Ireland has always been multi-ethnic; Travellers, black-Irish people, Jewish people and other immigrants have been part of Irish society for centuries, and immigration has always co-existed with emigration. However, together with other socio-economic and political transformations since the mid-1990s and in particular in the wake of the Belfast Agreement, recent demographic transformations have given rise to new articulations of Irishness, and to new experiences of racism by existing racialised minorities and by new migrant populations alike.

I take racism to mean ‘a political system aiming to regulate bodies’, rather than merely the consequence of individual prejudice. Racism always involves the state and its institutions, never only individuals. My contention is that Ireland has been evolving from a ‘racial state’, in which ‘race’ has been part of Irish society for centuries, and immigration had always co-existed with emigration. However, together with other socio-economic and political transformations since the mid-1990s and in particular in the wake of the Belfast Agreement, recent demographic transformations have given rise to new articulations of Irishness, and to new articulations of Irishness by existing racialised minorities and by new migrant populations alike.

Racism is defined as arising from ‘lack of knowledge, fear or insecurity’, erases the link between immigration and racism, conflates ‘Irishness’ and ‘whiteness’, and translates ‘cultural diversity’ to ‘Forty shades of Green’.

In this article I point to the contradiction, in contemporary Ireland, between a declared politics of ‘a caring society’ and an increasing tendency to redefine the nation-state’s boundaries by controlling not only immigration, but also the self-definition of existing ethnic collectives within.

Ireland as a ‘racial state’

David Theo Goldberg (The Racial State, 2002, Blackwell) posits modern nation-states as ‘racial states’, which exclude in order to construct homogeneity—which he sees as ‘heterogeneity in denial’—while appropriating difference through celebrations of the multicultural. The racial state is a state of power, asserting its control over those within the state and excluding others from outside the state. Through constructions, border controls, the law, policy making, bureaucracy and governmental technologies such as asylum categorisations, invented histories and traditions, ceremonies and cultural imaginings, modern states, each in its own way, are defined by their power to exclude (and include) in racially ordered terms, to categorise hierarchically, and to set aside. Goldberg posits two traditions of racial states: the first, naturalism, fixes racially conceived ‘natives’ as premières, and naturally incapable of progress; the second, historicism, elevates Europeans over primitive or underdeveloped Others as a victory of modernity.

Naturalism Irish-style is exemplified in English Colonialism, from the seventeenth century onwards, which racialised the Irish, casting them as bestial, and incapable of progress. While the Irish were naturalised by the British, the Irish state, constitutionally conceived as the space of white, settled men of property, historicises its own racial inferiors. This is achieved firstly (though not exclusively: see for example the racialisation of Irish Travellers, conceived as ‘Irish national’ though not always as ‘white’) through government and technologies of asylum and immigration control, aiming to restore modernity’s order just as all certainties—economic, civil, cultural, sexual—collapse; and secondly through biopolitical governmental technologies including regulations governing the lives of migrants, but also equality mechanisms, which reproduce racialised populations as ultimately unequal, since the promise of equality is always conditional. In The History of Sexuality, vol. I Michæl Foucault argues that when natural life becomes included in mechanisms of state power, politics turn into biopolitics, the territorial state becomes ‘state of population’, and the nation’s biological life becomes a problem of sovereign power.

Through a series of technologies, bio-power creates ‘docile bodies’, and the population—its welfare, wealth, longevity and health—becomes the ultimate goal of government. In constructing homogeneities, the state therefore is not only denying its internal heterogeneities, it is also a normalising, regulating biopower state. As opposed to scapegoat theories of racism, which argue that under economic and social duress, sub-populations are cordoned off as intruders, blamed and used to deflect anxieties, Foucault’s theory of racism is an expression of an ongoing social war nurtured by the technologies of purification, making racism integral to the biopolitical state.

The Irish state uses racialising technologies by doing all it can to maintain its homogeneity and ‘managing’ ethnic diversity. However it is not merely ‘racial’ in its formation and use of practices such as the law, but also ‘racist’ in terms of using biopower and governmental technologies to control, in particular, though not exclusively, migrant and minority ethnic populations.

The law in the service of the racial state

The law is central to modern state formation, promoting racial categorisation and identification, and shaping national identities through legislating on citizenship rights and immigration control. In 2003 the Irish state was contesting accepted definitions of populations. One example is the claim by the Minister for Justice, Equality and Law Reform that Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin, which is why, he argues, ‘discrimination against Travellers’ was inserted as a ‘separate ground’ into the Equal Status Act and the Employment Equality Act—combining a biopolitics of ‘caring’ for Travellers with their discrimination. There is no question of their rights, the Housing (Miscellaneous Provisions) Bill, enacted in 2002, criminalising Traveller camping on public and private property, gives Gardaí powers to arrest people without warrants, allows property to be confiscated and disposed of and trespassers to be jailed for a month or fined up to €3,000. This is despite the fact that commitments to provide adequate accommodation to Travellers made by the government in its 1995 Task Force on the Travelling Community went largely unfulfilled. In July 2002, the government decided to terminate the funding for the Citizen Traveller project, due, the Irish Traveller Movement claims, to its decision to run an outdoor poster campaign highlighting the negative implications for Travellers of the ‘trespass law’ and declaring the law ‘racist’.

Indeed, the decision to end the funding illustrates the contradiction between the racial state’s natu-ralist approach to indigenous minorities and its alleged commitment to anti-racism, based on a biopolitics, according to which the role of the state is to ‘manage’ the population.

Furthermore, the Irish state is employing immigration legislation in order to prevent migrants from gaining equal access to the state. Thus the 1996 Refugee Act, hailed as ‘progressive’ at the time, was superseded by the 2003 Illegal Immigration (Trafficking) Act, and was itself amended in 2003. The amended 2003 Refugee Act focuses on applicants’ credibility, mandates fingerprinting of all applicants, makes provisions for detention, and disallows applications from countries designated as ‘safe countries’. The amended Illegal Immigration (Trafficking) Act, according to the Irish Refugee Council, shifts the focus from identifying persons in need of protection, ‘towards techniques devised to screen out as many applications as possible’.
A poignant illustration of the use of the law in controlling the citizenship rights of migrant popu-
lations is the relationship between the Irish state and migrant parents of children born in Ireland
despite the fact that citizenship was constitution-
ally granted to anyone who was a citizen of Saorstát Éireann (the Irish Free State) before the
1937 constitution. The 1956 and 1986 Nationality
and Citizenship Act grants citizenship to anyone
born in the 32 counties of Ireland, except children
diplomats. Thus granting automatic citizenship to
people born in Ireland as part of the GFA was
united as 'the nation', a rather
nebulous entity. Called a 'constitutional quirk' or a
'standard loophole', the amendment meant,
as was ruled in the 1990 Fajjusou case, that
migrant parents of children born in Ireland had a
claim to remain in Ireland to provide 'care and
companionship' to their citizen child. This process
application for permission to remain was over-
turned in January 2003 when the Supreme Court
ruled in the Lobe and Ouyande appeal, that 'non-
national' parents no longer had a strong case to be
allowed to remain in Ireland to bring up their
child, privileging the State's right to deport, and
the 'integrity of the asylum process' over these citi-
zens. Thus all the non-national parents were forced
to return to their countries. In 1999, the High Court
did not recognize the citizenship right of persons born in the island
of Ireland.

The media debates following the January 2003
Supreme Court ruling exposed a host of contradic-
tions. One contradiction is between nationality and citizenship. The jus sanguinis (blood-based)
right to Irish citizenship allows up to third and
fourth generation Irish emigrants to claim Irish citizenship,
while at the same time, the state is contesting the
jus solis (soil-based) citizenship rights accorded to children
born in Ireland by the Constitution. The second
contradiction was between two constitutional entities, 'the nation' and 'the family', termed in
Article 41.1 of the Constitution as 'the natural
primary and fundamental unit of Society'. The
court's ruling in the case illustrates the centrality
of the law as a governmental technology
developed by the racial state. Chief Justice Ronan
Keenan ruled that the State 'was entitled to take
the view that the orderly system of dealing with
immigration and asylum applications should not
be undermined by persons seeking to take advan-
tage of the system.'

On 19 February 2003, the Minister of Justice
removed the process whereby an immigrant par-
ent could seek permission to remain in Ireland
solely on the grounds of having a child citizen,
making 11,000 migrant families now precluded
from applying for residency candidates for deport-
ations. Although such Irish citizen children can-
didates for removal from Ireland with their
deporated parents to foreign countries, where their
security and entitlements cannot be guaranteed,
threatening the unity of the Irish 'nation'.

The proposed amendment was sought so as to
secure 'the integrity of Irish citizenship', in
response to a supposed 'crisis' in Dublin's materni-
ty hospitals. According to Department of Justice
claims, 'non-national' women arrive at the
late stages of their pregnancies to have babies
who, in line with Irish law, become Irish citizens.
However, the roots of the Government's stance
was voiced by the Minister of Justice already in 1999.

Indeed, defending his performance on immi-
gration, which came under attack from the opposi-
tion, former Minister for Justice John O'Donoghue
said in November 1999: 'One reality—hard, though
nevertheless a reality—is that if we were to apply
an immigration policy which is significantly more
flexible and liberating than those
applying in the rest of the European Community,
there is a very little doubt that, over a period—
and probably a relatively short period—we would
be left to deal with an immigration inflow which
we simply could not cope with... It is an extremely
important and extremely complex issue. It needs
to be addressed in a well-informed, comprehensive and
humanitarian way'.

In 2004, after five years of deliberating on how
to deal with this 'extremely important and
extremely complex issue', the Irish Government
decides that the most 'humanitarian' way is to
hold a constitutional referendum on who would be
allowed to be a citizen while at the same time tak-
ing rights away from children. Reacting to the gov-
ernment's restrictive immigration policies,

anti-racist activist Pat Guerin was worried
already in 1999 about the treatment of non-nation-
al parents of Irish children: 'Theoretically we
could see a situation where Irish infants could see
their parents deported'. In 2003-4 his prediction
became reality with the deportations of scores of
migrant parents and the removal of their Irish citi-
zien children.

Facts, figures, myths

Part of state-inspired racism and xenophobia is
the massaging of immigration figures and the ten-
dency to homogenise migrant populations in nega-
tive terms. According to the 2002 census, 5.8 per

cent of the population are 'non-national', though
official asylum and immigration statistics are often
deliberately misleading, contradictory and
incomplete. The racial state's relation to asylum
seekers is equally contradictory. While most asy-


undertones, another obvious illustration of the control
over the Irish labour force, hardly an 'influx'. Migrant
workers pay taxes and social security con-
tributions and purchase goods and services, they
are also vital to the maintenance of the health sys-
tem and the hospitality sector. But contrary to for-
mer Justice minister John O'Donoghue's claim that
Ireland's migration system was 'the most open
and flexible in Europe', studies for the
Immigrants Council of Ireland and the
Equality Authority criticise the government's mar-
et-driven labour migration policy as two-tiered,
and shows that most labour migrants experience
discrimination.

Moreover, the state-sponsored language of har-
mounisation, integration and management and main-
streaming in policy recommendations regarding
migrant labour, is part of the construction of homogenity as 'heterogeneity in denial' on the
one hand, and of a multicultural discourse of 'race-
lessness', denoting a shift from biologically driven racism to culturalist conceptions of race, on the
other. Assuming an ability to solve almost any
problem put before them — including immigration —
Irish state actors disavow the everyday racism
experienced by racialised populations in the name
of a universalism which asserts control over all
dimensions of social life.

Conclusion: Multiculturalism,
'integration', and the promise of
'reaclessness'.

In contemporary multi-ethnic Ireland 'multiculturalism'
is a common linguistic currency, but the
texperiences of 'the multiculturals' disavow their
everyday, institutional and state racist undertones,
in the name of raclessness. Assimilationism in
relation to immigrants is unproblematically
termed 'integration' by state agencies implement-
ing multiculturalist (or 'interculturalist') policies,
which ignore the multicultural illusion that face
to face communication between the dominant and
the dominated can subvert the structures of power.
Indeed, by stressing integration as a 'two
way process', the Irish state puts equal onus on
migrants to play their part, and unequal power
relations are not mentioned. In constructing immi-
grants and asylum seekers as both 'new' and a
'problem', the nation is conceived not only as
homogeneous, but also as 'unavened' by 'flotsam'
of refugees, and therefore as arguably 'proussus'.

The Irish racial state, while promoting racel.less-
ness, is always about its own white (Christian, set-
ted) superiority. While declaring its commitment
to equality, care and interculturalism—the Irish
version of raclessness—the Irish racial state has already
begun deporting migrant parents whose
applications for residency on the ground of having
an Irish citizen child have failed, together with
their Irish citizen children. Instead of a language
of 'integration' and 'interculturalism', I propose an
interruption of the way the Irish nation can become
other than white (Christian and settled), by privi-
leging the voices of the racialised and subverting
state immigration policies.

Stage one of such interrogation would be to do all
we can to defeat the citizenship referendum on
June 11.

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