

The Killing of Jean Charles de Menezes: Hyper-Militarism in the Neoliberal Economic Free-Fire Zone

Jude McCulloch and Vicki Sentas

Introduction

ON THE MORNING OF JULY 22, 2005, JEAN CHARLES DE MENEZES, A 27-YEAR-OLD Brazilian electrician, was shot and killed by police on a tube station in South London on his way to work. The shooting happened the day after failed suicide bomb attacks on three London tube stations and a bus, and 15 days after the July 7, 2005, suicide bombings on trains and a bus killed 52 and wounded many others. Jean Charles was in no way connected with the bombings or attempted bombings. The fatal shooting was in line with firearms tactics developed to deal with suspected suicide bombers after the September 11 attacks on the United States. Adoption of these tactics demonstrates the extension and consolidation of militarized law enforcement. They continue the established history of differential policing and the criminalization of racialized "others." Moreover, they signal the incorporation and spread of law enforcement tactics considered to be more typical of a colonial context. The shooting of Jean Charles and the philosophy and tactics it reflects stand as exemplars of an intensifying relationship between neocolonialism and the institutionalized racism demonstrated in more "traditional" modes of policing.

That the shooting of Jean Charles was represented as a "regrettable necessity" for which no one is held accountable underlies the low value placed on the lives of "suspect others" sacrificed in the pursuit of "national security." Media comments that Jean Charles was the "57th innocent victim of the London bombings" (*Evening Standard*, July 25, 2005), and that he was killed "accidentally" (*Radio National*, June 5, 2006) construct his killing as "collateral damage." The failure to prosecute his death as a crime, announced almost a year after his killing, fits with the pattern of impunity in cases of police shootings and deaths at the hands of the state more generally (Hogan, 1988; Green and Ward, 2004). The relegation of the killing to

DR. JUDE McCULLOCH is Associate Professor and Head of Criminology at Monash University (email: jude.mcculloch@arts.monash.edu.au). She has a long-standing interest in deaths in custody, particularly fatal shooting by police. Her book, *Blue Army: Paramilitary Policing in Australia* (Melbourne University Press), was published in 2001. **VICKI SENTAS** (vsen3@student.monash.edu.au) is a Ph.D. candidate in Criminology at Monash University and has been working with diverse communities on the impact of counterterrorism laws. The authors are grateful for Australian Research Council Funding Grant LP0454956.

the status of collateral damage echoes the war's international front, where the death of civilians at the hands of coalition forces led by the United States in Iraq is not even considered worthy of official tally.

This article describes the circumstances of Jean Charles de Menezes' death and the incorporation of police firearms tactics from Northern Ireland and Israel. It explains how these tactics are emblematic of the type of preemptive tactics that have emerged as key strategies in the "war on terror." The article argues that domestic mobilizations of these firearms tactics suggest significant continuities with tactics used in colonial contexts that consolidate and intensify the already established trend toward more military styles of policing in liberal democracies. Firearms tactics for suspected suicide bombers embody religious and racial profiling in ways that tolerate "mistakes" and embrace collective punishment as "deterrents." The military philosophy underpinning domestic firearms tactics in the "war on terror" collapses the idea of suspect identity with guilty acts to legitimate race-based coercion and punishment, including extrajudicial killings.

Shot and Killed on the Way to Work: A Regrettable Necessity?

On the day of the fatal shooting, Jean Charles de Menezes left the flat where he lived with his two cousins, just after 9:30 a.m., walked to a local bus stop, and caught a bus, alighting near the Stockwell tube station just after 10 a.m. The three-story block of nine flats where he lived was under surveillance because a man living in another flat on the block had been linked to the attempted bombings the day before. Jean Charles was followed by a surveillance team when he left the block of flats for work. As he left, he was assessed as fitting the "description and demeanor" of the bomber suspect (*Guardian*, August 18, 2005). CCTV footage from the station shows him calmly entering it and picking up a free newspaper, and passing through the ticket barrier, before going down an escalator. Witnesses reported that he began running near the bottom of the escalator when he heard a train coming. Apparently unaware that he was being followed, he entered the train; there, members of Scotland Yard's elite firearms Special Operations unit SO19 overcame him. They shot him eight times, seven times in the head and once in the shoulder (Cowan, Campbell, and Dodd, 2005).

Nearly 30 years ago, when advising on Australia's counterterrorist arrangements, the former commissioner of the London Metropolitan Police, Sir Robert Mark (1978: 16), wrote that the killing of "terrorists" by armed police "should always be portrayed as a regrettable necessity." After the Jean Charles de Menezes shooting, apparently heeding his predecessor's advice, Metropolitan Police Chief Commissioner, Sir Ian Blair, stated publicly that "any death is deeply regrettable, but as I understand it, the man was challenged and refused to obey instructions" (*Guardian*, August 18, 2005). Within hours of the killing, Blair addressed a press conference at Scotland Yard, where he said Jean Charles was "directly linked" to the antiterrorism investigation (Cowan, Dodd, and Norton-Taylor, 2005). Blair's

statement helped to create the impression that Jean Charles was a suicide bomber. That evening and the next day, the newspapers ran headlines that reflected this inaccuracy: "One down and two to go" (*The Sun*); "Bomber shot dead on the tube" (*Standard*, cited in Hillyard, 2005). Other misleading or false information put into the public domain included the suggestion that he was wearing a "bulky coat," that he fled from police, refused to obey police instructions, jumped over a ticket barrier, and was shot five times (compared to the actual eight times) (*Guardian*, August 18, 2005).

An immense public debate took place immediately after the shooting, all on the basis of faulty assumptions (Wistrich and Peirce, 2005). It took 24 hours for police to admit that Jean Charles was not connected in any way to the suicide bombings or to any other antiterrorism operation (Ali, 2005: 59). In the case of fatal shootings by police, initial reports commonly exaggerate the danger posed to police and the public by the deceased (see, for example, McCulloch, 1996). In particular, the implication in early police statements that Jean Charles was a suicide bomber caught in the act is strikingly familiar to the fictitious "ticking bomb" scenario disseminated in the aftermath of the fatal shooting of three IRA volunteers in Gibraltar in 1988 by the British military Special Air Services (SAS). In the days after that triple fatal shooting, the media—apparently relying on police reports—confidently asserted that a bomb had been found and that the shooting of the IRA volunteers had averted an imminent tragedy. In addition, some media also reported that the three had been killed in a "fierce gun battle." The bomb was a fiction and there was no gun battle, since the victims were unarmed (Jack, 1988: 13–86).

The misleading allegations about the circumstances of the fatal shooting of Jean Charles were made at a time when his family had no practical way of countering the official story. At the time of Blair's comments, Jean Charles' cousins were put in a hotel where police had cut off the telephones. Consequently, they could not contact Jean Charles' parents in Brazil and were also inaccessible to the media (Wistrich and Peirce, 2005).

The original falsehoods about the circumstances of the shooting were compounded by subsequent negative allegations about Jean Charles' character. Allegations that he had raped a woman in 2003 were reported in the *Sunday Mirror* newspaper nine months after he was killed. These allegations were not reported to police when Jean Charles was alive (*The Independent*, March 12, 2006). It was also suggested that his visa had run out, a comment likely to reduce public sympathy in the context of a continuing campaign of vilification and resulting widespread hostility toward "illegal immigrants" (Ali, 2005: 59). Allegations such as these are difficult to refute when direct rebuttal by the deceased is impossible and family members and supporters do not enjoy the same ready access to the media or authority as official sources. In addition, "speaking ill of the dead" in the case of fatal police shootings occurs when relatives are dealing with the grief and shock of sudden, violent bereavement. The privileging of official accounts, the erasure of problematic facts, the silencing of

the deceased's family, and the construction of misleading scenarios typifies media reports of deaths at the hands of the state (Scruton and Chadwick, 1986; McCulloch, 1996; McCulloch, 2001: 113–14; Wooten, 1991; Hogan, 1988: 80–81).

When accurate details of the London shooting were leaked to the press weeks after the shooting in August 2005, a statement from the lawyers for the de Menezes family argued that:

It is inconceivable that the true facts, as revealed yesterday, were not made known to senior police and ministers immediately; for any to have made comments publicly without first informing themselves of the true facts would have been entirely reckless and wrong (Wistrich and Peirce, 2005: 1).

In light of the longstanding and regularly repeated pattern of statements that inaccurately suggest that fatal shootings by police and military Special Forces are "regrettable necessities," the oft-made suggestion that Blair's original statements were made in "good faith" seems implausible (*Guardian*, August 18, 2005). The "good faith" argument is also undermined by the actions of the chief commissioner in attempting to block a legally mandated independent investigation into the fatal shooting. On the morning of the shooting, Blair wrote to the permanent secretary of the Home Office arguing that antiterrorist investigations should take precedence over any independent investigation. Although the chief commissioner was overruled and the Independent Police Complaints Commission (IPCC) did investigate, he nevertheless personally ordered that independent investigators be denied access to the scene, ensuring that the IPCC would be kept away from the site for more than three days (Cowan, Dodd, and Norton-Taylor, 2005).

A week before the first anniversary of Jean Charles' shooting, it was announced that no individual police officers would face prosecution over his death. Though the Crown Prosecution Service ruled out murder or manslaughter charges, the Metropolitan Police were charged with breaching health and safety laws at work (*Guardian* July 15, 2006). The failure to press criminal charges continues the pattern in cases of fatal shootings by police. There were no charges laid over the 30 previous fatal shootings by English police in the 12 years before the fatal shooting of Jean Charles (*The Independent*, October 21, 2005; *The Observer*, July 16, 2006). The regular failure to prosecute over police shootings has led human rights campaigners to accuse the Crown Prosecution Service of giving the police immunity in cases of fatal shootings (Verkaik and Bennetto, 2005).

From Northern Ireland to London

Reflecting on the meaning of the London shooting, "the hail of Special Forces gunfire and the lies that came later," Tom Nairn writes of being unable to get the shooting out of his mind. "It was as if an inner horizon had disappeared, with dark

enigma in its wake" (2006: 138). The feeling of shift and foreboding captured in this statement may reflect the apprehension that the shooting represents a significant and real change in the level of violence Western democracies now consider legitimate in dealing with "terrorist" suspects. The line that Nairn implies was crossed in the shooting of Jean Charles is, however, one that had already been comprehensively breached under the flag of British justice. The difference is that the type of firearms tactics that were once typically used against subordinated peoples in colonial or neocolonial contexts have now been imported into the country that gave birth to them.

Nearly 25 years ago, John Stalker, a British policeman, was surprised by what he found when sent to investigate the killing of six Republicans in Northern Ireland:

As an individual, I also passionately believed that if a police force of the United Kingdom could, in cold blood, kill a seventeen-year-old youth with no terrorist or criminal convictions, and then plot to hide the evidence from a senior policeman deputed to investigate it, then the shame belonged to us all. This is the act of a Central American assassination squad... (quoted in Rolston, 2006: 196).

The assassination squads, as Stalker discovered, were closer, literally and politically, than Central America. British Special Forces such as the SAS took part in shoot-to-kill operations against Nationalists in Northern Ireland from the early 1970s (Rolston, 2006; Jamieson and McEvoy, 2005). As Paddy Hillyard (2005) suggests, the experience of death squads in the form of British Special Forces in Northern Ireland accounts for the discrepancy between headlines there and in London in the immediate aftermath of the London shooting: one word summed it up for the *Daily Ireland*: "Executed." The state's involvement in deaths squads in Northern Ireland emerged "almost naturally from previous British colonial experience" (Rolston, 2006: 198). British counterterrorism operations in Northern Ireland continued the history of counterinsurgency operations and doctrine, which were originally developed and deployed by British and French military forces in the face of nationalist struggles against colonial rule (Schlesinger, 1978). The use of these strategies in Northern Ireland was facilitated by deep sectarianism within Ireland and anti-Irish racism in Britain, where the notion of the Irish as an inferior race was firmly established within the state and in the popular imagination (Hillyard, 1993: 3).

Colonial settings have typically "played the role of laboratory for the 'identifying state'" (Saada, 2003: 17). Consistent with this pattern, the British military's experience in Northern Ireland has been integrated into policing in Britain over the past three decades (Hillyard and Percy-Smith, 1988). This process, similar to developments in the United States and Australia, has seen an incremental but steady erosion of the border between police and military operations (Andreas and Price, 2001; McCulloch, 2001; McCulloch, 2004). Police and military operations

have become blurred, with the military increasingly involved in police training and "internal security." This blurring of the boundary between police and military operations is typical of colonial settings, where the rules of war and criminal justice are frequently indistinguishable (Saada, 2003: 17).

In England, Australia, and the United States—countries that traditionally maintained strict distinctions between the police and military operations—paramilitary operations, originally rationalized as necessary to deal with terrorist threats, have been progressively normalized into everyday policing (McCulloch, 2001; Jefferson, 1990; Kraska and Kappeler, 1997). Counterterrorism provided a domestic adaptation of counterinsurgency strategies developed to deal with the essentially wartime exigencies of colonial power, a process that has seen police tactics once largely confined to the colonial periphery brought "home" (Hocking, 1993: 19; Saada, 2003: 17).

Intensifying Militarization on the Home Front: Operation Kratos, from Palestine to London

The trend toward the militarization of law enforcement has been consolidated and intensified in the context of the "war on terror." This trend is illustrated in both the training and personnel used in the operation and in the firearms tactics specifically developed to deal with suspected suicide bombers. A soldier played a key part in the surveillance that led up to the killing of Jean Charles. The army's new Special Reconnaissance Regiment was involved in the operation, although their precise role is unclear. The Regiment's recruits were trained by the SAS (*Guardian*, August 4, 2005). The new Regiment is modeled on similar undercover units that previously operated in Northern Ireland and absorbed the 14th Intelligence Company, likewise trained by the SAS, and infamous for its lethal activities in Northern Ireland and against the IRA in Ireland and elsewhere (Rolston, 2006; *Guardian*, August 18, 2005). In 1996, the European Court of Human Rights found in *McCann and Others v. United Kingdom*, a case related to the shooting of the three IRA volunteers at Gibraltar (Jack, 1988), that the SAS's approach to firearms was inappropriate in a law enforcement context in a democracy, even against terrorist suspects, because their tactics automatically involved shooting to kill. The firearms unit responsible for the London shooting received its training from the SAS. Whether Army Special Forces were directly involved in the shooting or not, and it appears they were not, the execution-style shooting of Jean Charles nevertheless typified Special Forces tactics.

The extension of military tactics, personnel, and training into domestic policing has been consolidated through the global circulation of counterterrorism measures developed in contemporary colonial contexts. Tactics developed by the Israeli forces for use in the Occupied Territories and inside Israel directly influenced the development of the firearms tactics that led to the death of Jean Charles. The shooting of Jean Charles happened under the remit of "Operation Kratos," a policy developed

in consultation with Israeli security officials (Nelson et al., 2005). A national steering group on dealing with suicide bombers was set up shortly after September 11; it involved the British Home Office, MI5, Special Forces, the attorney general, and the Director of Public Prosecution, among other agencies (*Guardian*, August 17, 2005; *Guardian*, March 8, 2006). The policy formally came into operation in January 2003 (*Guardian*, March 8, 2006). Kratos recommends "shooting to kill" suspected suicide bombers by firing at their heads so that bullets do not detonate explosives strapped around bodies. The object is to sever the brain stem to negate the possibility of any deliberate or reflexive movement that might trigger a bomb. The Metropolitan Police's regular policy on firearms requires firing at the chest, with the intention of stopping and incapacitating.

Kratos tactics have been acknowledged and defended by police as "fit for its purpose," despite the killing of an innocent man (*Guardian*, March 8, 2006). After the fatal shooting, the Metropolitan Police distributed a community briefing as part of an information campaign. It argues that where police are confronted with a suicide bomber intent on detonating, this leaves "no other option than to deploy firearms officers to take *very positive action* as the only way available to us of saving the lives of the public nearby" (Metropolitan Police, 2005; emphasis added). The police public relations effort toward justification indicates that more liberal firearms practices are now cemented within the police repertoire of tactics and that "suspected terrorists" are likely to continue to be victims of police shootings. The truth of this statement is underlined by the police shooting of Mohammed Abdul Kahar in Forest Gate, east London, during a raid in June 2006. The raid, involving 250 police, was based on faulty intelligence and the "suspects," including the shot man, were eventually released without charge (*The Guardian*, June 27, 2006).

The importation of counterterrorism policing tactics from Israel and Northern Ireland enlarges the capacity for state terror in the receiving country; this observation fits with Gurr's (1986) conclusion that the main predictor of state terror is the existence of units or institutions that specialize in combating insurgency or terrorism. Though the circulation of tactics from the colonial periphery to the "center" was commonplace previously, the global circulation of police tactics from Israel—perhaps the world's most highly militarized state—adds a further dimension to the militarization process. Israel's vanguard role as a militarized state is intimately connected with its colonial relationship to the Palestinian people and territories. The spread of Israeli military tactics also implies the spread of that colonial relationship, as well as the tolerance and even embrace of collective punishments of those constructed as "Arab" enemies.

Writing Lessons on the Body of the Enemy

Incorporating military methods, training, and units into policing is significant because it implies a move away from the presumption of innocence and the use of minimum force toward a philosophical and operational approach that seeks to

differentiate between friend and foe and to eradicate perceived enemies (Hocking, 1993; McCulloch, 2001: Chapter 1). Thus, warranting careful reflection are police comments that deem the Kratos tactics “fit for purpose,” despite the killing of the “wrong man” on the basis of “mistaken identity.”

Shooting to kill suspect suicide bombers tolerates and even embraces “mistakes” as “fit for purpose.” “Mistakes” may be purposeful and strategically desirable as a type of retaliation, revenge, or collective punishment against a broadly defined enemy or target group. The “*very positive action*” taken under Kratos might be considered a deterrent or lesson, in which the individual killed was innocent in terms of his or her actions, but suspicious or even guilty in terms of the binary logic of “with us or with the terrorists,” by virtue of their identity or perceived identity. Tariq Ali (2005: 64) asks, considering what he characterizes the “premeditated execution” of Jean Charles, whether such “taking out” is used “as a deterrent in a country where capital punishment is forbidden.”

The Metropolitan Police assistant chief commissioner stated in relation to Kratos:

We will seek any improvements that we can, both in the equipment and in the tactics, to make sure that it is the *most effective deterrent* that we have to suspected suicide terrorists coming to London again (BBC, March 7, 2006; emphasis added).

In countenancing the death of suspects in the cause of “saving the lives of the public,” Kratos tactics contemplate killing the innocent. Kratos does not require police to confirm the existence of explosives before shooting to kill (*Guardian*, March 8, 2006). The police brochure that refers to situations “where police are confronted with a suicide bomber intent on detonating” (see above) is misleading in its failure to acknowledge that the tactics are not deployed on the basis that a person *is* a suicide bomber, but on the basis that they are a *suspected* suicide bomber. Even if the “right man,” or the “real” suspect from the block of flats, had been killed on the London station, the possibility that he was innocent of any crime is preempted by the extrajudicial killing. Suspicion is imagined, not actual, guilt.

In preempting the threat Jean Charles was imagined or believed to represent, the circumstances of his death and the policies that licensed it embody the preemptive tactics at the heart of the “war on terror.” Former U.S. Attorney General John Ashcroft labels such punishment before a crime a new “paradigm in prevention” (in Cole, 2006: 17). Protecting the innocent under the logic of this prevention paradigm mandates that suspects, who may be innocent, be punished or even killed, given firearms tactics such as those found in Kratos. Such a temporal reversal of crime and punishment, or anticipatory punishment of imagined future crimes, criminalizes certain actual or perceived racial, ethnic, and religious identities (McCulloch and Carlton, 2006: 405–407). As Butler (2004: 77) observes, although deeming someone dangerous “is considered a state

prerogative...it is also a potential license to prejudicial perceptions and a virtual mandate to heightened racialized ways of looking and judging in the name of national security." The logic of anticipating risk means that identity or perceived identity becomes the focus of police attention and state coercion.

The real clues to the decision that Jean Charles fit the indicators of a potential suicide bomber can be found in the ethnic identifiers used by police. A S019 officer following Jean Charles after he got off the bus was reported to have described him as "having Mongolian eyes," "similar to Osman Hussain's" (the "real" suspect) (*The Independent*, August 21, 2005). Simultaneously, Jean Charles was categorized as "ethnic white," while it was known that the suspected bomber was not white (*Guardian*, August 18, 2005). The criminalization of those "of Middle Eastern appearance" as potential terrorists reduces heterogeneous bodies to blank slates to be re-inscribed by state power. Thus, being a member of a suspect group is "proved" through the force of counterterrorism policing.

The officially sanctioned indicators of potential suicide bombers that police subscribe to are vague, contradictory, and so broad as to be useless in delineating a suspect pool that is significantly narrower than the entire population. Indicators are said to include loose or bulky clothing in the summer, pacing back and forth, failure to make eye contact, and strange hair coloring. None of the factors, individually or in combination, provide a reliable prediction or indication of a suicide bomber (Association of Chief Police Officers, 2006; Center for Human Rights and Global Justice, 2006: 5-7). On the use of risk profiling at airports, O'Malley (2006) observes that profiles "produce self-fulfilling prophecies, resulting in both errors of fact and discriminatory consequences for false positive cases." Categories of behavior that are presumed to indicate risk are so broad as to be meaningless, unless they are understood to provide license to target identifiable minorities as suspect or risky types. Also, this faux scientific basis for targeting suspected suicide bombers, which encompasses nearly everyone, provides a post-event justification for extrajudicial killings.

Identifying "risky types," rather than focusing on behavior that can be logically and reliably connected to criminal/terrorist activity, is consistent with the logic of the militarized counterterrorist response. The task of national security involves identifying "enemies within" through the continuous policing of an imagined border between a "public" needing protection and the dangerous "other" from whom the public is to be protected (Zender, 2000: 210). Potential indicators for suicide bombers do not separate the innocent from the guilty, but instead separate an imagined public from "suspect communities." The "war on terror" markets a tradeoff between liberty and security that is founded on the binary of insiders and outsiders, ensuring that the (false) promise of national security is built on the insecurity, suffering, and, in the case of extrajudicial killings, even the death of the "other." As Hassan argues (2003: 176): "Racial profiling is the domestic counterpart

of Bush's new foreign policy based on preemptive strikes: profiling and preemption work together to define the human targets of the 'war on terror.'"

The message written on the body of the subject of state killings targets a number of audiences. It communicates the logic of collective punishment as an idea whose impact goes beyond the immediate subject to others who understand that the killing represents the sharp end of a spectrum of coercion and punishment in the "war on terror." Public demonstration of the institutionalized racism of counterterrorism policing also licenses non-state perpetrators of racial violence, who read the event as further legitimizing the type of race-based violence that increased after September 11 and the London bombings (see, for example, Human Rights and Equal Opportunity Commission, 2004).

Hyper-Militarism in the Neoliberal Economic Free-Fire Zone

Contemplating the British government's support for the invasion of Iraq and the fatal shooting of Jean Charles, Tariq Ali (2005: 1–3) maintains that although the socioeconomic trajectory of the Blair government and its willing embrace of neoliberalism were easy to predict, its "hyper-militarism" was not. Yet there is a clear and inevitable connection between the economic free-fire zone of neoliberalism and the type of punitive criminal justice that amplifies racialized punishments. Militarism and law-and-order punitiveness are the political counterparts of advancing neoliberal globalization (see, for example, Davis, 2003; Brake and Hale, 1992; Hristov, 2005; Mariani, 2001). Research related to police violence, including police use of deadly force, indicates that police violence increases with economic inequality (Green and Ward, 2004: 79).

The escalating militarization of policing brought by the "war on terror" advances the trend of increasing police violence under neoliberalism. Of significance currently is that coercive counterterrorism policing targeted primarily at ethnic minorities is often understood as symptomatic of the erosion of the rule of law (Sentas, 2006). Yet nostalgia for a return to a mythical liberal sphere before the "war on terror" obscures how integral power, force, law, and war have been to the institutional and institutionalized racism that is evident in the ideological underpinnings, policies, and practices of the "traditional" criminal justice system. Racialized inscriptions of the criminal subject—whether grounded in the "evidence" of the police and courts, or the *fait accompli* of intelligence and suspicion—dominate traditional crime frameworks and institutions. Abundant evidence exists that heterogeneous nonwhite and other "suspect" identities, such as the Irish, have typically been equated with criminality (e.g., Collins et al., 2000; Cunneen, 2001; Skolnick and Fyfe, 2003; Hall et al., 1978; Hillyard, 1993). Marginalized ethnic identities have a history of being "preempted" through racial identities, descriptors, or profiles that serve as proxies for guilt through the application of "reasonable suspicion" and police discretion.

In its present form, the "war on terror" perpetuates diverse histories of

racialized punishment through a proliferation of front lines: the wars on ethnic gangs, drugs, immigrants, and asylum-seekers (Gilroy, 1992: 252). Systematic criminalization achieved through policing institutions previously captured cultural articulations of national racism, but war is underscored more formally in neoliberal globalization. The violence of law in its formal mode is in the process of "catching up" with social reality. Though police discretion has always operated to inscribe criminality on "othered" bodies, the range of discipline and violence that security policing inflicts is fortified and formally rendered as part of the "war on terror." Institutionalized racism is amplified via counterterrorist measures that target minorities through the characterization of religious and political difference as terrorism. The routine terror of "preventative" detention without charge, the massively expanded stop-and-search powers, surveillance, deportations, as well as the policies and practices that extend the occasions on which extrajudicial killings are officially sanctioned, are systematically enacted on nonwhite, especially non-national, bodies (see Cole, 2006; Ansari, 2005; Nguyen, 2005; Poynting, 2004; Fekete, 2002; Kundnani, 2006).

Conclusion

In the permanent "state of emergency" that characterizes the "war on terror," Special Forces have become less special or exceptional as tactics developed in militarized states and jurisdictions, such as Northern Ireland and Israel, and have increasingly become integrated into policing elsewhere. The free trade in police counterterrorism tactics signals a "race to the bottom" in terms of human rights through the globalization of militarized police operations. Once the exception to the rule of law characteristic of the colonial periphery, extrajudicial killings licensed under policies such as Kratos have "come home"; this demonstrates the way in which the "war on terror" and its construction of enemies, simultaneously alien and within, extend the coercive legacies of colonialism and, by doing so, deepen institutionalized racism. The internal and external borders of "national security" are written on the body through preemptive punishments, including extrajudicial killings.

The logic of preemption gives license to racialized ways of seeing and acting that embrace punishments based on identity, or perceived identity, and projected fears and suspicion grounded in race and religious difference. This framework combines punitive criminal justice with coercive military strategies to target, punish, and destroy those constructed as enemies. The fatal shooting of Jean Charles de Menezes, a preemptive strike, shooting first and asking questions later, was as predictable as it was tragic. His death demonstrates the central problematic of the "prevention paradigm"; risk is speculative and constructed through the lens of race-based prejudice and fear. State punishment, however, is real, immediate, often devastating, and sometimes fatal. The shooting of Jean Charles also underscores the inability of the "preventive paradigm" to prevent the violence it purportedly

targets. There is no tactical "solution" to politically and religiously motivated violence. "Prevention" based on these methods deepens state terror and racial violence. An authentic prevention paradigm involves political solutions, not fear, force, and coercion.

Acknowledgments: Thanks to Bree Carlton, Dean Wilson, and Phil Scraton for their helpful comments. The authors are grateful for funding for Australian Research Council Funding Grant LP0454956.

REFERENCES

- Ali, Tariq
2005 *Rough Music: Blair, Bombs, Baghdad, London, Terror*. London: Verso.
- Andreas, Peter and Richard Price
2001 "From War Fighting to Crime Fighting: Transforming the American National Security State." *Historical Studies Review* 3,3: 31-52.
- Ansari, Fahad
2005 "British Anti-Terrorism: A Modern Day Witch-Hunt." *Islamic Human Rights Commission*. At www.ihrc.org. Accessed: December 10, 2005.
- Association of Chief Police Officers
2006 "The UK Police Service Response to the Threat Posed by Suicide Terrorism." Review by the Association of Chief Police Officers Police Use of Firearms Committee. At [www.acpo.police.uk/asp/policies/Data/ACPO%20\(TAM\)%20\(PUF\)%20Review.doc](http://www.acpo.police.uk/asp/policies/Data/ACPO%20(TAM)%20(PUF)%20Review.doc). Accessed May 18, 2006.
- BBC
2006 "Met Suicide Bomb Policy 'Limited.'" (March 7).
- Brake, Michael and Chris Hale
1992 *Public Order and Private Lives: The Politics of Law and Order*. London: Routledge.
- Butler, Judith
2004 *Precarious Life: The Powers of Mourning and Violence*. London: Verso.
- Campbell, Duncan and Mark Honigsbaum
2005 "Fatal Mistakes That Cost de Menezes His Life." *Guardian* (August 18).
- Campbell, Duncan, Rosie Cowan, Vikram Dodd, and Mark Honigsbaum
2005 "Leaks Raise the Sharp Questions About Police Tactics." *Guardian* (August 17).
- Center for Human Rights and Global Justice
2006 "Irreversible Consequences: Racial Profiling and Lethal Force in the 'War on Terror.'" New York University School of Law, briefing paper.
- Cole, David
2006 "Are We Safer Now?" *New York Review of Books* 15,4: 15, 17.
- Collins, Jock, Greg Noble, Scott Poynting, and Paul Tabar
2000 *Kebabs, Kids, Cops and Crime*. Annandale: Pluto Press.
- Cowan, Rosie, Duncan Campbell, and Vikram Dodd
2005 "New Claims Emerge over Menezes Death." *Guardian* (August 17).
- Cowan, Rosie, Vikram Dodd, and Richard Norton-Taylor
2005 "Met Chief Tried to Stop Shooting Inquiry." *Guardian* (August 18).
- Cunneen, Chris
2001 *Conflict Politics and Crime: Aboriginal Communities and the Police*. Sydney: Allen and Unwin.
- Davis, Angela
2003 *Are Prisons Obsolete?* New York: Seven Stories Press.

- 1998 "Racialized Punishment and Prison Abolition." J. James (ed.), *The Angela Y. Davis Reader*. Oxford: Blackwell.
- Fekete, Liz
2002 *Racism: The Hidden Cost of September 11*. Special issue of the *European Race Bulletin*. London: Institute of Race Relations.
- Foucault, Michael
2003 "Society Must Be Defended: Lectures at the Collège de France, 1975–76 / Michel Foucault." Mauro Bertani and Alessandro Fontana (eds.), translated by David Macey. New York: Picador.
- Gilroy, Paul
1992 "The End of Antiracism." James Donald and Ali Rattansi (eds.), *Race, Culture and Difference*. London: Sage.
- Green, Penny and Tony Ward
2004 *State Crime: Governments, Violence and Corruption*. London: Pluto Press.
- Gurr, Ted
1986 "The Political Origins of State Violence and Terror: A Theoretical Analysis." Michael Stohl and George Lopez (eds.), *Government Violence and Repression: An Agenda for Research*. Westport: Greenwood Press.
- Hall, Stuart, Charles Critcher, Tony Jefferson, John Clarke, and Brian Roberts
1978 *Policing the Crisis: Mugging, the State and Law and Order*. London: Macmillan.
- Hassan, Salah
2003 "Enemy Arabs." *Socialism and Democracy* 17,1: 175–187.
- Hillyard, Paddy
2005 "The 'War on Terror': Lessons from Ireland." At www.ecln.org/essays/essays-1.pdf. Accessed December 15, 2006.
- 1993 *Suspect Community: People's Experience of the Prevention of Terrorism Acts in Britain*. London: Pluto Press.
- Hillyard, Paddy and Janie Percy-Smith
1988 *The Coercive State: The Decline of Democracy in Britain*. London: Fontana/Collins.
- Hocking, Jenny
1993 *Beyond Terrorism: The Development of the Australian Security State*. St. Leonards, New South Wales: Allen and Unwin.
- Hogan, Michael
1988 "Police Use of Deadly Force: When Is It Right to Pull the Trigger?" Michael Hogan, David Brown, and Russell Hogg (eds.), *Death in the Hands of the State*. Sydney: Redfern Legal Centre Publishing.
- Hogg, Russell
2001 "Penalty and Modes of Regulating Indigenous Peoples in Australia." *Punishment and Society* 3,3: 355–379.
- Hristov, Jasmin
2005 "Freedom and Democracy or Hunger and Terror: Neoliberalism and Militarization in Latin America." *Social Justice* 32,2: 89–114.
- Human Rights and Equal Opportunity Commission
2004 *Ismæ – Listen: National Consultations on Eliminating Prejudice Against Arab and Muslim Australians*. Sydney: HREOC.
- Jack, Ian
1988 "Gibraltar." *Granta* 25: 15–84.
- James, Joy
1996 *Resisting State Violence: Radicalism, Gender and Race in U.S. Culture*. Minneapolis: University of Minnesota Press.
- Jamieson, Ruth and Kieran McEvoy
2005 "State Crime by Proxy and Juridical Othering." *British Journal of Criminology* 45: 504–527.

- Jefferson, Tony
1990 *The Case Against Paramilitary Policing*. Philadelphia: Open University Press.
- Kraska, Peter and Victor Kappeler
1997 "Militarizing American Police: The Rise and Normalization of Paramilitary Units." *Social Problems* 44: 1-18.
- Kundnani, Arun
2006 "Comment: Racial Profiling and Anti-Terror Stop and Search." *IRR News* (January 31).
- Mariani, Philomena
2001 "Overview: Law, Order, and Neoliberalism." *Social Justice* 28,3: 2-4.
- Mark, Robert
1978 *Report to the Minister of Administrative Services on the Organisation of Police Resources in the Commonwealth Area and Other Related Matters*. Canberra: Australian Government Printing Services.
- McCann and Others v. United Kingdom*
1996 European Court of Human Rights, 21, part 2: 97-187.
- McCulloch, Jude
2004 "Blue Armies, Khaki Police and the Cavalry on the New American Frontier: Critical Criminology for the 21st Century." *Critical Criminology* 12,3: 309-326.
2001 *Blue Army: Paramilitary Policing in Australia*. Carlton: Melbourne University Press.
1996 "Blue Murder: Press Coverage of Fatal Police Shootings." *Australian and New Zealand Journal of Criminology* 29: 102-120.
- McCulloch, Jude and Bree Carlton
2006 "Pre-empting Justice: Suppression of Financing of Terrorism and the 'War on Terror.'" *Current Issue in Criminal Justice* 17: 397-412.
- Metropolitan Police
2005 *Kratos Community Briefing*. At www.met.police.uk/communities_together/docs/v_05-11-08_srb_anna_de_vries_1_.pdf. Accessed May 15, 2006.
- Metropolitan Police Authority
2005 "Suicide Terrorism." Report 13 (October 27). At www.mpa.gov.uk/committees/mpa/2005/051027/13.htm. Accessed May 15, 2006.
- Nairn, Tom
2006 "The New Furies: Review of Rough Music: Blair/Bombs/Baghdad/London/Terror." *New Left Review* 37: 130-140.
- Nelson, Fraser, Gethin Chamberlain, and James Kirkup
2005 "Police May Receive Shoot-to-Kill Orders." *The Scotsman* (July 15).
- Nguyen, Tram
2005 *We Are All Suspects Now: Untold Stories from Immigrant Communities After September 11*. Boston: Beacon Press.
- Norton-Taylor, Richard
2005 "New Special Forces Unit Tailed Brazilian." *Guardian* (August 4).
- O'Malley, Pat
2006 "Risks, Ethics and Airport Security." *Canadian Journal of Criminology and Criminal Justice* 4,3: 413-421.
- Poynting, Scott, Jock Collins, Greg Noble, and Paul Tabar
2004 *Bin Laden in the Suburbs, Criminalising the Arab Other*. Sydney: Sydney Institute of Criminology Series.
- Pugliese, Joseph
2003 "The Locus of the Non: The Racial Fault-Line of Middle Eastern Appearance." *Borderlands e-journal* 2,3. At www.borderlandsejournal.adelaide.edu.au/Vol2no3_2003/pugliese_non.htm. Accessed June 25, 2005.
- Rolston, Bill
2006 "An Effective Mask for Terror: Democracy, Death Squads and Northern Ireland." *Crime, Law and Social Change* 44: 181-203.

- Saada, Emmanuelle
2003 "The History of Lessons: Power and Rule in Imperial Formations." *Items and Issues: Social Science and Research Council* 4: 10-17.
- Schlesinger, Philip
1978 "On the Scope and Shape of Counterinsurgency Thought." Garry Littlejohn et al. (eds.), *Power and the State*. London: Croom Helm: 98-127.
- Scruton, Phil and Kathryn Chadwick
1986 "Speaking Ill of the Dead: Institutionalized Responses to Deaths in Custody." *Journal of Law and Society* 13,1: 93-115.
- Sentas, Vicki
2006 "Counter-terrorism Policing: Investing in the Racial State." *Australian Critical Race and Whiteness Studies Association e-journal* 2,1.
- Skolnick, Jerome and James Fyfe
1993 *Above the Law: Police and the Excessive Use of Force*. New York: The Free Press.
- Taylor, Peter
2006 "The Terrorist Who Wasn't." *Guardian* (March 8).
- Verkaik, Robert and Jason Bennetto
2005 "Shot Dead by Police—30. Officers Convicted—0. No Charges for Policemen Who Killed Man Carrying Table Leg." *Guardian* (October 21).
- Wistrich, Harriet and Gareth Peirce
2005 "Response to Evidence Made Public During the Last 24 Hours as to the True Circumstances of the Death of Jean Charles de Menezes." Press Statement, Birnberg Peirce & Partners. At <http://databaseStatewatch.org.au/search>. Accessed November 28, 2005.
- Wooten, Hal
1991 *Report into the Death of David John Gundy*. Royal Commission into Aboriginal Deaths in Custody. Canberra: Australian Government Printer.
- Zender, Lucia
2000 "The Pursuit of Security." Tim Hope and Richard Sparks (eds.), *Crime, Risk and Insecurity: Law and Order in Everyday Life and Political Discourse*. London and New York: Routledge: 200-214.

Copyright of Social Justice is the property of Social Justice and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.