DEMOCRACY AND EMPIRE.
Policing the black body in post-colonial Jamaica

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Abstract: This essay explores the status of democracy in Jamaica from a human rights perspective particularly as it relates to the control and the abuse the body of the black lower class subject by the local police. This paper argues that the body and the pain inflicted on it are central to the strategies of punishment inherited from colonialism, which are still employed today by the State to keep the often criminalized lower classes in check. Consequently, the study contemplates the limitations of using the term democracy in the common electoral sense, to gauge the degree of democracy in the post-slavery, post-colonial reality of Jamaica, and to a lesser extent, Brazil. This essays also examines the historical factors which have led to racial profiling in policing and shows that the black subjects’ position in present day Jamaica has not evolved much since the slavery era.

Keywords: Post-colonialism. Democracy. Racism. Police brutality.

Resumen: Este artículo explora el estado de democracia en Jamaica desde la perspectiva de los derechos humanos, sobre todo con relación al control y al abuso que sufre el cuerpo del sujeto negro pobre por parte de la policía local. Además, argumentamos que el cuerpo y el dolor que se inflige en él son centrales en las estrategias de castigo heredadas del colonialismo y que se siguen utilizando hasta el día de hoy por el Estado para mantener el control sobre la muchas veces criminalizada clase baja. Consecuentemente, el estudio contempla las limitaciones de utilizar el término democracia en el sentido electoral, para medir la evolución de la democracia en Jamaica, y en un grado menor, en Brasil, después de la esclavitud y el colonialismo. Este ensayo también examina los factores históricos que han resultado en la aplicación de perfiles de raza en las tácticas policiales y muestra que la posición del sujeto negro en la Jamaica de hoy no ha evolucionado mucho desde la época de la esclavitud.


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Democracy has failed when in the midst of the twenty first century, social activists still find it necessary to proclaim what ought to be by now an overstatement: “black lives matter”. If the quality of democracy, as Merkel and Croissant (2004) claim, is dependent on the social empowerment and consequently, full political participation of the ‘people’ (‘high’ as opposed to ‘low intensity’ citizenship), then it stands to reason that equal rights and social inclusion should be the very foundation of any ‘democratic’ society.

In his introductory note on democracy, Giorgio Agamben (2010) states that the term ‘democracy’ is an ambiguous one which “condemns anyone who uses it to miscommunication” (1). In this sense, the word ‘democracy’ is often used to describe what is, in reality, an electoral or embedded democracy (Merkel and Croissant, 2004), a type of democracy in which the government is elected “by the people, of the people and for the people” (Abraham Lincoln as cited in Epstein, 2011). Yet, as the outcome of the 2016 presidential election in the United States, (commonly upheld as the pinnacle of Western democracy), would indicate, electoral or political democracy does not necessarily reflect the will of the majority nor does it signify that political power ultimately lies in the hands of the people. More importantly, however, it reveals a the hidden mistrust of the power elite of ‘popular sovereignty’ (Bensaid, 2010, 16) by not completely democratizing the means by which the ordinary citizen has access to the power structures and the decision making processes that have an actual impact on his or her life. Accordingly, there is a tendency of Western democracies, which follow a liberal model of governance, to “think of government as simple executive power” (Bensaid, 2010), a concept which ends up promoting a more market based agenda of governance, which does not necessarily ensure the rights of its citizens.

Theorists such as Koelble and Lipuma (2008), subscribe to the view that using the standards of the so-called liberal democracy of ‘EuroAmerica’ to measure ‘democratic worthiness’ (Zakaria, 1997) of postcolonial democracies, not only limits the critical scope of the debate on democracy but it also excludes these postcolonial realities from an otherwise enriching debate on the implications of liberal democracies for the rights of a black lower class majority in societies emerging from colonialism. As Koelble and Lipuma (2008) point out, “different histories and cultures produce different democracies” and “conventional measuring paradigms are insufficient to adequately measure progress towards democracy in postcolonial settings” (1). Calling out for the ‘democratization’ of democracy, Koelble and Lipuma (2008) would argue that any application of the term
‘democracy’, will necessarily have to take into consideration the ‘defective’ democracies (Merkel and Croissant, 2004) of such countries as Jamaica in which the sovereignty and rights of the black majority has, in reality, been hijacked by the ruling elite to secure what Bensaid (2010) would refer to as ‘market despotism’ (17).

With the debacle of bureaucratic despotism and “real” (i.e., unreal) socialism, the floating signifier democracy became a synonym for the victorious West, the triumphant United States of America the free market, and the level playing field. Simultaneously a full scale onslaught against social solidarity and social rights and an unprecedented campaign to privatize everything was causing the public space to shrivel. (Bensaid, 2010, 18)

### Plantation era Jamaica

No other time was this ‘market despotism’ more acute than in the plantation era of Jamaica, although it could hardly have been called an electoral democracy given that the majority of the population (the slaves) were unable to vote. Additionally, during the post emancipation period, the white colonial government still continued to ignore the sovereignty of the dark-skinned majority, while it protected the economic interests of the landed elite. However, although this economically and politically powerless majority could not have posed any real political challenge to the British settlers, the financial and mortal risks the planter class felt that an ever nonconformist black majority posed, meant that this disenfranchised sector of the population had to be contained, controlled and ruled with a heavy hand in order to preserve the socio-economic structure of the colonial (and later postcolonial) society. The potential insubordination of the lower class was particularly feared by the upper class since sugar was a principal income earner and required the services of a large group of workers.

Fears of a general uprising, of racially motivated killing and sexual violence against the white minority nurtured the sense of embattlement and shared interest between colonial officials, white estate managers and business owners. (Thomas, 2012, 213)

In his description of colonial sovereignty in relation to the domination of the colonial black subject, Achille Mbembe (2001) cites three types of violence. The first of these is what he refers to as the ‘founding violence’, which was basically the right of the colonizer to conquer. The second sought to legitimize that right by converting the “founding violence into authorizing authority” (25) and the third form of violence was to
ensure the maintenance of this authority (Mbembe, 2001). It was in this atmosphere of institutionalized violence that the Jamaica Constabulary Force was formed, the objective of which, consequently, rather than being that of ‘to protect and serve’ the vast majority, became simply about controlling the black masses in the interest of a white and later brown, upper and middle class minority.

But Jamaica’s Constabulary force originated in 1867 as a professional replacement for the militias that wrought such havoc two years earlier. White-officered, paramilitary and backed by the British West India Regiment (BWIR) battalions garrisoned in Kingston’s Up Park Camp, in the eyes of most Jamaicans the new police resembled its predecessor (Thomas, 2012, 209).

Policing the black subject

Martin Thomas’s (2012), account on policing in Jamaica would seem to support this perspective. Thomas explains that colonial police tactics were particularly violent as their general purpose was to efficiently and effectively reduce groups which posed a threat to colonial dominance. Hence, the principal motive for this violent police repression in the colonies was economically driven.

The point I wish to develop here is that police operations reflected not just the colonial political order but its economic structures as well. The actions of colonial police were driven by this combination of the political and the economic, of what the colonial state needed to combat internal threats on the one hand and what export producers and other key economic actors required to enhance their output on the other. (25)

These tactics, referred to by Harriot (2000) and Thomas (2012) as ‘paramilitarism’, often involved heavily armed police officers quick to use brute force against crowd gatherings considered a menace to social order.

As a tactic it entails the use of nonselective or, rather, group suppressive (rather than individually focused) forms, such as raids, curfews and cordon-and-search, which might be appropriate for order maintenance against hostile populations but are of little crime control value and have dubious democratic credentials. (Harriot, 2000, 31)

This gave rise to a special type of policing, which, in reality, was actually an extension of abusive practices from the slavery era (Craven, 2016). Making allusions to this legacy of slavery in policing tactics in former slave societies, African–American rapper of Jamaican origin, KRS-One, chants, filtering in the occasional Jamaican patois:
Take the word "overseer," like a sample
Repeat it very quickly in a crew for example
Overseer, Overseer, Overseer, Overseer
Officer, Officer, Officer, Officer!
Yeah, officer from overseer
You need a little clarity? Check the similarity!
The overseer rode around the plantation
The officer is off patrolling all the nation
The overseer could stop you what you're doing
The officer will pull you over just when he's pursuing
The overseer had the right to get ill
And if you fought back, the overseer had the right to kill
The officer has the right to arrest
And if you fight back they put a hole in your chest!
(Woop!) They both ride horses
After 400 years, I've got no choices!
The police them have a little gun
So when I'm on the streets, I walk around with a bigger one

During colonialism, harsh punitive tactics of the police were traditionally directed against the poor working classes (Harriot, 2000, 43), in its majority dark-skinned or black, as opposed to the brown/mixed sector of the population which during this period occupied a slightly more advantageous position both socially and economically (Gladwell, 1998). In addition to the suspicion with which the lower classes were regarded in the colonies, there was also the general tendency in Europe at the time, as Foucault (1995) points out, to treat the working class with absolute contempt. This may have contributed to the reason why the British colonial authorities were so quick to criminalize this social class.

…but that crime is not a potentiality that interests or passions have inscribed in the hearts of all men, but that it is almost exclusively committed by a certain social class, now emerged ‘almost all from the bottom rank of the social order’ (Comte, 49), that ‘nine tenths of murderers, thieves and idlers come from what we have called the social base’ (Lauvergne, 337); that it is not crime that alienates an individual from society, but that crime is itself due rather to the fact that one is in society as an alien, that one belongs to that ‘bastardized race’, as Target called it, to that ‘class degraded by misery whose vices stand like an invisible obstacle to the generous intentions that wish to combat it’ (Buré, 391). (Foucault, 1995, 275)
‘Black as sin’

This meant that the black working class colonized subject experienced double discrimination as both his colour (Fanon, 2008) and unfavourable economic position in a post slavery society, served to mark him as belonging to a subhuman race, prone to evil. Regarding this negative concept of blackness in the colonies, Fanon writes,

In Europe, evil is symbolized by the black man (...) The perpetrator is the black man; Satan is black; one talks of darkness (...) If you took the trouble to note them, you would be surprised at the number of expressions that equate the black man with sin. In Europe, the black man, whether physically or symbolically, represents the dark side of personality (...) In Europe, i.e., in all the civilized and civilizing countries, the black man symbolizes sin. (Fanon, 2008, 165-166)

Fanon’s ‘Europe’ is not just a general reference to the white supremacist mentality of the insular European, but to that ‘white gaze’. (Fanon, 2008, 157) with which the white colonizer contemplates the black colonized subject before him. Blackness is the savage body, the unbridled sexuality of scantily clad black bodies moving to the rhythms of the drum, the disproportionately large member of Mandingo, the heart of darkness of Conrad and the sullen maliciousness of the slaves of the ‘White Witch of Rosehall’. The black subject was a beast, “quick to slip back into the most brutal excesses of the animal world” (Mbembe, 2001). He must, therefore, be tamed, controlled and constantly kept in check.

The "native" is declared impervious to ethics, representing not only the absence of values but also the negation of values. He is, dare we say it, the enemy of values. In other words, absolute evil. A corrosive element, destroying everything within his reach, a corrupting element, distorting everything which involves aesthetics or morals, an agent of malevolent powers, an unconscious and incurable instrument of blind forces. (Fanon, 2008, 6)

Although Fanon (2008) was writing in the 1950s, this association of the black body with evil and criminality is still present of today’s society, a perception which has warranted the fatal shooting of a 12 year old boy playing in the park with a toy gun, a black man reaching for his mobile phone or another for his wallet by police officers. According to the Guardian, “despite making up only 2% of the total US population, African American males between the ages of 15 and 34 comprised more than 15% of all deaths logged this year by an ongoing investigation into the use of deadly force by police” (McCarthy, Larney, Laughland, and Swaine, 31, December 2015). The fact that 25% of
the black men shot and killed by the police were unarmed (and thus by definition, not ‘menaces to society’ at the moment of apprehension), seem to indicate racial profiling regarding criminality on the part of the police, which not only occurs in the American society, but in other post-slavery societies in the developing world as well, such as Jamaica (Thomas, 2012) and Brazil (Caldeira, 2000).

The subjugated black body

But more than the association of the black body with evil, is the extent to which the black body has been dehumanized during slavery and colonialism, a practice which has contributed to the concept of the worthlessness of black lives in society. Mbembe (2001) comments that the native under colonial rule was a ‘body-thing’ who ‘could only be envisioned as the property or thing of power’, ‘a tool subordinated to the one who fashioned’ belonging only to the ‘sphere of objects’ (26-27). Likewise, Caldeira (2000, 368) refers back to slavery to elaborate on the little value placed on the body in postcolonial Brazil. In a similar vein, Fanon (2008) goes as far as to say that the black subject is ‘dis-appropriated’ of his own body under the white man’s gaze, which then becomes a negated space (90) on which the white colonialist inscribes his will and power, the consequence of which, delegitimizes the black subject and deprives him of his rights.

On the bodies of the dominated-children, woman, blacks, the poor, and alleged criminals-those in authority mark their power, seeking, through the infliction of pain, to purify the souls of their victims correct their characters, improve their behavior, and produce compliance. (Caldeira, 2000, 367)

Once the body has been dehumanized, it becomes relatively easy to strip the subject of his basic rights, which is what Caldeira (2000) is referring to when she classifies Brazilian society as a ‘disjunctive democracy that is marked by a delegitimation of the civil component of citizenship.’ (372).

Body and pain
The form of policing which emerged from colonialism and which persists in the Jamaican society of today, emphasizes the body and the strategic infliction of pain on the subject’s body as integral to the domination and control over the ‘unruly’ colonial subject. Mbembe (2001) speaks about the variety of punishment reserved for the colonized native that shared the common trait of “doing something to the body of the colonized” (28). The body, hence, is converted into the instrument through which the colonizer is able to exert his power, quite similar to the purpose of the body in punishment during slavery or the classical period Foucault (1995) describes.

The classical age discovered the body as object and target of power. It is easy enough to find signs of the attention then paid to the body—to the body that is manipulate, shaped, trained, which obeys, responds, becomes skilful and increases its forces. 136, Foucault

This centrality of the body in the punitive practices in postcolonial societies such as Jamaica (Harriot, 2000) and Brazil (Caldeira, 2000) is taken to signify the level of barbarism and primitivism in a society, which, in turn, compromises the ‘quality’ of that society’s democracy. Foucault (1995) cites Benjamin Rush, an active participant against British rule, fervent abolitionist and one of the signers of the Declaration of Independence of the United States, who in 1787, dreamt of a time when society would align itself with reason and distance itself from the “marks of barbarity of centuries” (10) such as the gallows, floggings and torture as measures of punishment. Rush’s statement, a reflection of the Cartesian tendency to give more prominence to the mind over the body, indicates a progressive trend towards a more abstract concept of the body, and consequently a weakening of the protagonism of the body in punitory strategies of the state in Europe.

This shift in ideology, led to a change in the punishment-body relation, as punishment became more about depriving the individual of certain privileges, “an economy of suspended rights” (Foucault, 1995, 11), and less about remedying the crime though pain (torture, flogging etc.), a change considered to be more ‘democratic’ as it takes into consideration the prisoner’s suffering, and hence, his right to be treated with dignity. Foucault (1995) points out that additionally, where executions are concerned that in modern society, there is a legal investment in the reduction of the pain caused to the body. In this sense, other professionals such as warders, doctors, chaplains, psychiatrists and psychologists, have taken the place of the executioner to assure that “the body and pain are not the ultimate objects” of the punitive action of the law. (11).
This, however, is not the case in Jamaica where unnecessary suffering to the body is considered necessary in order to guarantee effective results of the punishment. This would explain the persistence of elements of extreme cruelty in certain punitive practices such as flogging, until recent times. Conversely, the last flogging (whipping) sentence was carried out in Jamaica in 1994, and although flogging was eventually abolished in 2013, the insistence on holding on to this practice from the slavery era reveals the lack of predisposition on the part of the authorities to eliminate the centrality of the body in the meting out of punishment. Susan Goffe of Jamaicans for Justice believes the practice of such forms of corporal punishment actually poses a hindrance to the development of democracy in a society.

"We don't really see that [the flogging law] has any part in the approach of dealing with crime in a modern democracy," (Associated Press, 16 November 2012)

Ironically, however, Ferron Williams, a retired member of the Jamaican Constabulary Force and coronel of the Accompong maroon town, a state within a state founded by the abandoned slaves of Spanish colonizers (after the invasion and capture of the island by the British) and runaway slaves of the British plantations, is considering reviving the flogging law to deal with “criminal and anti-social behavior” (Myers, 20 April 2015) in the town.

"Irrespective of anything one wants to say, punishment not meant to be easy and those that break the law should be punished, and the only form of punishment we have in Accompong is the cat-o-nine and the tamarind switch and that was placed on my manifesto and I will honour that promise," (Myers, 2015)

This sentiment that crime is best curbed through physical pain is also a view expressed by certain members of the society who feel that “getting locked up” (Myers, 2015) is simply not enough and that severe forms of physical punishment are more effective in preventing the re-incidence of crime. This is curiously a general sentiment among Sao Paolo Brazilians as Caldeira’s (2000), study indicate:

Humanitarian methods and restrictions on police behavior are considered to have contributed to an increase in crime. In the context of the increase in crime and the fear of crime, the population has asked for tougher punishments and more violent police, not for human rights. When the police have acted violently, as in the 1992 massacre at the Casa de Dentencão or in summary executions, a considerable part of the population has supported them. (Caldeira, 2000, 345)
Aside from corporal punishment sanctioned by the law, the Jamaican police routinely use torture such as beatings, burns, electric shocks to the body, mock executions, attempted strangulations and rape (Amnesty International, 2001, 14) to extract information from their detainees. Additionally, the very conditions under which detainees are held, add to the violation of their human rights. The police are known to fill the tiny cells at their headquarters beyond maximum capacity, holding suspects there for long periods of time (three men died of suffocation in a police lock-up in October 1992) without charge. Minors are also arrested and locked up with other detainees where they suffer all types of abuse (Amnesty International, 2001) and with regards to the right to life, capital punishment is still legal in Jamaica with hanging (the last prisoner to be hung was in 1988) being the form of execution employed, despite the many accounts of botched executions which have caused unnecessary pain and suffering to the convicts before dying (Brown, 23 November, 2008).

**Black on black policing**

While it is true that the Jamaica police force no longer consist of white colonial officers prone to treat every black individual as a suspect, but rather of a black majority, there has been no significant change in the abject treatment of the black citizens of the lower class in Jamaica.

Ironically, even in countries with majority black population, African men and their communities are subjected to structural violence and repression at the hands of law enforcement. Brazil, Jamaica and South Africa, for example, have all had a long history of police brutality which is often time aimed mainly at poor black working class men (Tomlinson, 2014).

As Fanon (2008) was quick to point out, such is the inculcation of values of the white colonizer in the black Antillean subject through centuries of exploitation, enslavement and rejection by a colonialist society (2008, 178) that even black subjects have come to associate blackness with evil, aligning themselves more comfortably with the white colonialist position. Fanon concludes that the Antillean has the “same collective unconscious as the European.” (168)
Trade union leader and purported champion of black lower class worker’s rights, Alexander Bustamante, himself a member of the privileged white or near white social class, unwittingly revealed his latent prejudice against the black subject in his remarks on the changing racial component in the upper echelons of the Jamaica Constabulary Force. He suggested that the brutality in the police force was attributable to the fact that the officers in their majority were now black and lamented the ‘good old days’ when they were mainly British or Irish.

When I returned to this Island and saw so many English and Irish Inspectors in the Police Force, I started great propaganda in the press against them, that they should be thrown out of the country, because I felt that the West Indians - negroes or otherwise - should be promoted to these posts, but I soon found out, especially during the last strike, that I had made a mistake. That it is better to bring English and Irish Inspectors here as Sergeant majors, than to promote our own coloured people to these posts because they take advantage of their subordinates in a manner which I could scarcely describe, and not only the subordinates but the public. (Post, 1978, 379)

**Police brutality**

Whatever the case may be, Jamaica has one of the highest rates of police lethal shootings in in the world (Amnesty International, 2001). In that respect, Amnesty International has sounded the alarm on the police officers’ extremely abusive use of force in dealing with what they deem to be ‘criminal elements’ of the population.

Amnesty International is gravely concerned that authorities in Jamaica-despite numerous assurances to the contrary- are failing to prevent serious and systematic human rights violations at the hands of the police and other members of the security forces. (4, Jamaica Killings and violence by police. Summary)

For this reason, the definition of democracy in the electoral sense cannot be fully applied to the complex realities of postcolonial societies such as Jamaica or Brazil in which basic human rights are constantly violated in the interest of a political ‘democracy’ which preserves the economic interests of the ruling elite. The definition of democracy should include the extent to which the society has progressed from the blatant obviation of basic human rights during the periods of slavery, post slavery and colonialism to the protection of those rights in modern day society. There is little point in measuring the democracy of countries like Jamaica using the political barometer of free elections when
the very political arena is dictated by political clientelism (Gray, 2004, 4), which colonialism left in its wake, and the ‘tribal’ wars between political supporters, which benefit from the precarious economic situation of about one fifth of the Jamaican population (Jackson, 30 November 2014). It is an economic situation which exposes the poor population to police abuse and violence (Harriot, 2000), and preserves the racial and economic stratifications of the colonial era, with the majority of blacks occupying the lowest strata. As Caldeira (2000) writes with reference to postcolonial Brazil,

There is no democracy without respect for the fundamental rights of the human being. The regime of popular democracy, when it is disconnected from human rights, is not democratic.…

REFERENCES


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