

15 OCTOBER 2007, AOTEAROA:  
RACE, TERROR AND SOVEREIGNTY

Vijay Devadas

ABSTRACT

*This paper discusses the anti-terror raids conducted on 15 October 2007 in Aotearoa through an exploration of the online print media coverage of the raids on that same day as well as the policing techniques employed. These two key instruments of state power and legitimacy, I argue, sought to produce a racialised moral panic around terrorism. Drawing on the works of Mbembe, Agamben, and Foucault, I examine the media practice as media necropower at work and the arrests in terms of state of exception and biopower to suggest that the racialisation of terror is a deliberate strategy of consolidating the sovereignty of the nation-state, a sovereignty preconditioned upon racism. The coverage of the event and the policing techniques both animates and perpetuates a racialised sovereignty that is foundational to the legitimacy of the postcolonial nation-state.*

INTRODUCTION

‘The tradition of the oppressed teaches us that the “state of emergency” in which we live is not the exception but the rule’ (Benjamin 1992: 248).

On 15 October 2007, the New Zealand police, including the specialist anti-terrorist unit, raided houses nationwide and arrested seventeen indigenous rights, environmental and political activists, and anarchists.<sup>1</sup> Additionally, police have identified a further sixty people for interviews relating to the anti-terror operations. The raids were conducted under the auspices of two Acts: the Suppression of Terrorism Act put in place in 2002, after the September 11, 2001 attacks and the pronouncement of the global war on terror, and the Firearms Act.<sup>2</sup> This was the first time the Terrorism Act was used in New Zealand, and it was invoked after a year-long surveillance that included bugging

and intercepting conversations, tapping phones and text messages, as well as secretly videotaping the alleged suspects. As would be expected, on the same day, the raids made international news. Those arrested, however, could not be charged under the Terrorism Act because, as the Solicitor-General pointed out, ‘the evidence fell short of actually meeting the very technical requirements of the act’ (Cheng 2007). In lieu of this, the government drafted the 2007 Terrorism Amendment Act, which was passed after three readings, receiving Royal assent on 19 November 2007. Because those arrested could not be charged under the Terrorism Act, the police charged the accused with multiple firearms offences. As reported on 6 March 2008 in the *NZ Herald*, the hearings will take place in the ‘Auckland District Court [*which*] has allocated the entire month of September 2008 for ... [*those*] facing firearms charges in connection with the police raids’ (Koubaridis 2008).

In this essay I discuss the media coverage of the raids across selected online print media outlets on 15 October 2007 to argue that the media coverage can be grasped as an attempt to produce a racialised moral panic around terrorism.<sup>3</sup> In each of the selected reports, either the image of Tame Iti is used, or reference to Maori separatists is employed, to signify the accused as terrorists. This practice of representing the discourse of terror through the larger indigenous community, and the figure of Iti specifically, can be best grasped as an example of media necropower, defined by Osuri (2006) as a media practice that puts to death particular subjectivities. The link between the constitution of the moral panic of terror, and the overamplification and intensification of this through the image of Iti, demonstrates the operation of a racialised regime of visualising terror that is characteristic of global media culture.<sup>4</sup> The racialisation of terrorism in the media is also, I argue, intimately connected to the ways in which the police conducted the raids on that day. Specifically, I compare the arrest of Valerie Morse (2008), who identifies herself as a ‘Wellington-based anarchist and writer’ of Pakeha descent,<sup>5</sup> with the arrests in Ruatoki and South Auckland, to shore up three key points: first, that the policing techniques used that day are part of a larger system of producing a racialised moral panic around terrorism; second, that such policing techniques exemplify the operation of a racialised sovereignty; and third, that the notion of racialised sovereignty is the very foundation from which the legitimacy and power of state sovereignty is constituted in Aotearoa. The racialisation of terror takes place both at the level of constructing race in terms of the simplistic division of people along ethnic (cultural) lines, as well as biological racism, ‘the kind of racism that ... is based on new paradigms from biology, on ideas of evolutionary competition and the health of the species’ (Kelly 2004: 60–1). The latter kind of racialisation marks the emergence of biopower as a new technology of power that seeks to

consolidate the sovereignty upon which the nation-state anchors its power and authority. I discuss this later in the paper.

What the following argument also demonstrates is that for an officially self-declared bicultural, postcolonial, nation which continually champions its race-relations as exemplary, the operations of the national media and the police on 15 October 2007 tell a particularly different tale: it demonstrates that this is a nation that is not quite postcolonial, in the sense of having dismantled left-over colonial ‘processes of subject and identity formation’ (Rattansi 1997: 482). The media practice, particularly the national media, and the differential police intervention on that day perpetuated a Manichean view of a binary opposition that reinforced a colonial and orientalist structuring of terror. Indeed, the events of 15 October 2007 demonstrate that the nation’s claim to being postcolonial is rather spurious and that the project of postcolonial critique remains unfinished. It is the unfinished business of postcolonial critique that must be taken up more intensely and vigorously so that we can undo the colonial traces of identity formation that continue to haunt the national texture.

#### VISUALISING TERROR

On 15 October 2007, the anti-terror police raids made news, nationally and internationally. The *BBC* covered the event with the headline, ‘NZ Police Hold 17 in Terror Raids’. The opening two sentences of the report read as follows: ‘New Zealand police have arrested 17 people and seized a number of weapons during a series of anti-terror raids. More than 300 police were involved in the operation, reportedly targeting Maori sovereignty and environmental activists ...’<sup>6</sup> The report was accompanied by the following image and caption:



*One of those arrested was Maori rights campaigner Tame Iti*

The *New Zealand Herald* (2007) reported the event as follows:

Two hunters alerted police to the presence of armed men in camouflage in the Ureweras after stumbling into their camp, the *Herald* can reveal. Police today arrested 17 people in nationwide raids linked to alleged weapons training camps in the Bay of Plenty. The story of what the hunters saw ... forms part of the background to an extensive investigation by 300 police including the specialist police anti-terrorist unit. The raids appear to have targeted Maori, political and environmental activists and were conducted under the Suppression of Terrorism Act and Firearms Act. Police Commissioner Howard Broad said the sting was the culmination of a year-long investigation into the alleged guerrilla-style training camps. He said the raids were carried out in the interests of public safety.<sup>7</sup>

Two images and captions accompany the report:



*Armed police stop vehicles at a checkpoint near the Bay of Plenty settlement of Ruatoki*



*Veteran Maori activist Tame Iti was one of those arrested in this morning's raids*

Likewise, Melbourne newspaper, *The Age* (2007) reported with a photo of Iti, but unlike the other cited reports, the focus here was on Iti from the beginning:

New Zealand police have allegedly discovered weapons training camps in a series of anti-terrorism raids under way today. Prominent Maori activist Tame Iti was among those taken in by police, his lawyer Louis Tekani told Fairfax Media. He is facing arms charges this afternoon in the Rotorua District Court ....<sup>8</sup>



*Leading Maori activist Tame Iti, who was among the people taken in by police in today's raids on arms charges, in a file picture.*

Unlike these three reports, *Reuters* (2007) reported without an image of either the raids or Iti, but ends with the following:

New Zealand, a South Pacific nation of 4.2 million people, has no history of domestic-related terrorism, although Maori, who make up around 15 percent of the population, have at times staged high-profile demonstrations and land occupations to highlight historic grievances.<sup>9</sup>

Similarly, *The Australian* (2007) reported without images but did name Iti, as did *Bloomberg* which also had a section on Maori separatists, quoting Winston Peters claiming that 'Maori separatist, environmentalist and so-called peace groups were raided' (O'Brien 2007).<sup>10</sup> This fleeting survey of the raids in media reports on 15 October 2007 demonstrates the way in which the media participates in the production of a racialised moral panic of terrorism.

The concept of moral panic is not new; it has been employed to consider social issues for over thirty years, and was introduced by Young (1971) in *The Drug-takers*, examining the role of the media in structuring, amplifying, intensifying and constructing deviance.<sup>11</sup> Young's initial contribution was taken up by Cohen (1972) who traces the production of moral panic around the 1960s Mod and Rocker youth culture in England, and suggests that the construction of a moral panic is used in 'the enforcement and formation of social policy, law, and societal perceptions of threat' (Rothe and Muzzatti 2004: 328). In other words, Cohen demonstrates not only how moral panic is produced, but more crucially, how it is then employed as grounds for legitimising the formation and institutionalisation of specific government policies, acts, and ideological perceptions of deviance. Cohen identifies five key actors in the production of moral panic. These include the folk devil, the media, rule enforcers (such as the police), politicians and public opinion. Considering my focus, it would be impossible to conduct a close analysis of each of these five categories. Suffice it to say that the saturation of the image of Tame Iti as folk devil, and the politicians' discussions of the raids, in addition to the media coverage and the differential policing techniques, testify to the production of moral panic.<sup>12</sup> Taking on Cohen's argument, Stuart Hall *et al*, in *Policing the Crisis* (1978), discuss the concept of moral panic in relation to the emergence of mugging as a street crime in Britain during the early 1970s, or more precisely of the discursive construction of mugging. A moral panic, they argue, begins with the distortion of the event, phenomenon, or discourse '*out of all proportion to the actual threat*' that shifts attention from the deviant act of mugging itself '*to the relation between the deviant act and the reaction of the public and the control agencies of the act*' (Hall *et al* 1978: 17, emphasis in original). Drawing from newspaper reports, government policies, and Acts, as well as statements from key institutions such as the police, the authors show how these various apparatuses played a part in amplifying the mugging phenomenon and connecting this to the larger question of race, nation and nationalism. This is a key extension of Cohen's contribution: the authors demonstrate how mugging is racialised as a black problem, criminalizing the black community as a threat to the British way of life, and serves to consolidate the hegemony of a specific understanding of British national culture and of white British sovereignty (Hall *et al* 1978: 328).<sup>13</sup> The same, I argue, was going on in the way the moral panic around terrorism was produced on 15 October 2007.

Across the spectrum of national and international media (*BBC*, *New Zealand Herald*, *The Age*), the image of Iti was circulated as *the* face of terror; in other words Iti as a campaigner for indigenous rights and sovereignty stands in for the figure of the terrorist. More crucially, the choice of Iti racialises the image

of terror: Iti is used to stand in for the discourse of terror as part of a larger cultural practice of visualising identity, and testifies to the power of visual culture in the politics of reproducing notions of race, terror, and criminality. This use of Iti's image, with accompanying captions that mark him as a 'Maori rights campaigner' (*BBC* 2007), 'Veteran Maori activist' (*New Zealand Herald* 2007), and 'Leading Maori activist' (*The Age* 2007), serves to link indigenous activism and the demand for sovereignty unproblematically with terrorism. That is to say, the media image-circuit produces a connection between the demand placed on the state to recognise indigenous sovereignty and the rhetoric of the war on terror; two disparate and separate issues are condensed so that indigenous sovereignty is conflated with, and articulated as, terrorism – a threat to state sovereignty. In addition to the image of Iti, the *Herald* (2007) report was also accompanied by the image of armed police checking a vehicle with a young individual looking on, with the caption: 'Armed police stop vehicles at a checkpoint near the Bay of Plenty settlement of Ruatoki'. The circulation of this image functions no differently from the image of Iti, in the sense that it racialises the event by naming the settlement of Ruatoki, located in the Eastern Bay of Plenty and seen as the centre of Tuhoe separatist movement and its people. This is, after all, a (historical) site of indigenous struggle and resistance. As Morse (2008) points out:

Tuhoe is known for its long history of resistance to colonization. They never signed the Treaty of Waitangi. ... Today, Tuhoe have one of the highest ratios of native speakers of the Maori language (called 'te reo') among tribal groups and have a strong cultural identity that is intimately linked to the land in an area that they call 'Te Urewera', land of the mist. There are about 20,000 people who claim Tuhoe ancestry, many of whom are still living in relatively isolated communities within Te Urewera.

Even though raids were conducted across the country, the choice of an image of a settlement that has a long history of indigenous solidarity and resistance to state sovereignty testifies to the racialisation of the event. Further, image and caption emphasise the notion of borders: the use of 'checkpoint' functions to mark zones of inside and outside, exclusion and inclusion, while the figure of the armed police, Cohen's (1972) 'rule enforcer', functions to highlight the significance and intensity of the raid, and at the same time legitimize the armed operations, entrenching state sovereignty within Ruatoki.<sup>14</sup> The reports cited all reaffirm that the police intervention was against 'Maori sovereignty activists' (*BBC* 2007; *New Zealand Herald* 2007) or 'Maori separatists' (*The Australian* 2007; O'Brien 2007). *Reuters* (2007), for instance, ends its report with the

claim that Maori have a history of activism and ‘high-profile demonstrations and land occupations.’ However, unlike the sole focus on the image of Iti and Ruatoki under siege, the reports mention that other than Maori, police also targeted ‘political and environmental activists’ (*BBC* 2007; *New Zealand Herald* 2007), and ‘so-called peace groups’ (O’Brien 2007). While the reports do name other collectivities, the account, the choice of images, and the captions clearly demonstrate that the indigenous body is now substitutable with that of the terrorist.

How are we to conceive of the way in which the media technologies of inscription collapse the discourse of terror with that of indigenous sovereignty? How are we to make sense of the visual regime of racial profiling that took place here? Similar kinds of question animate Goldie Osuri’s essay, which draws from Achille Mbembe’s notion of necropower as the ‘contemporary forms of subjugation of life to the power of death’ (Mbembe 2003: 39), to explore and expose the discursive positioning within Australian media of ‘Mamdouh Habib, an Australian citizen, who was arrested in Pakistan just after September 11, tortured in Egypt, and subsequently spent three years imprisoned and tortured in Guantanamo Bay’ (Osuri 2006: abstract).<sup>15</sup> Examining the interview with Habib on *60 Minutes*, Osuri argues that the structuring, captioning (‘Under Suspicion’), and the framing of the interview, invites the viewer to ‘judge Habib as a possible terrorist despite Habib’s recounting of his experiences of torture’ (2006: para 14). The interview begins:

Everyone has an opinion. Either Mamdouh Habib is a dangerous terrorist who should have been left to rot in jail or he is an innocent man persecuted because he was in the wrong place at the wrong time. It’s one or the other, simple as that, if you believe the propaganda. But so far, you’ve not seen this mysterious Mr Habib, never heard a single word from him ... For the first time, your chance to judge Mamdouh Habib for yourself (Osuri 2006: para 12).

The media framing of Habib immediately sets up a binary between ‘dangerous terrorist’ and ‘innocent man’ and simultaneously dismisses it (Habib’s innocence is framed as propaganda) while at the same time inviting the viewer to judge the very binary that had been dismissed. As Osuri points out, ‘no other alternatives are put forward anywhere in the program. In fact, since the term “dangerous terrorist” is not accompanied by any analysis or discussion, *60 Minutes* condones the solution that dangerous terrorists should rot in jail presumably without a trial’ (2006: para 13). Such media practices put Habib to death; they kill him off and position him, very simplistically and unproblematically,



as a dangerous terrorist. These are the operations of what Osuri calls media necropower, ‘contemporary media practices which reconfigure the politics of race and assimilability by making racialised bodies culturally intelligible in the current context of the war against terrorism’ (2006: para 1). In a conservative, war-driven nation governed through the liberal Howard machine, such a practice served to not only make Habib’s body ‘culturally intelligible within media technologies of nation, race, and gender as signifying systems’ (2006: para 3), but also consolidated and reaffirmed the functioning of the nation-state both at home and abroad. Killing Habib secures the sovereign right and legitimacy of the state. Osuri’s notion of killing or putting to death through media necropower is underpinned by Foucault’s account of the sovereign right to kill. As he says, ‘when I say “killing” I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or quite simply, political death, expulsion, rejection, and so on’ (1997: 256).

The workings of necropower in the Australian media that Osuri identifies are part of a larger global media practice: the coverage of the anti-terror raids on 15 October 2007 in the selected national and international media cited earlier testifies to this. It invites the viewer to bring together disparate discourses – terror(ism), indigenous sovereignty – and reconfigures terror, which has no specific cultural, ethnic or racial countenance, into a culturally intelligible idiom within a national landscape which has yet to bear witness to the sovereign rights of the indigenous community, a failure most clearly seen in the refusal to sign onto the 2007 United Nations Declaration on the Rights of Indigenous Peoples.<sup>16</sup> The reports on the event further testify to how the media participates in making terror intelligible. The *Reuters* report, for instance, refers to ‘high-profile [*Maori*] demonstrations and land occupations to highlight historic grievances’, without any discussion of what the grievances might be, how these grievances have been dealt with by the state, and what impact this has had on indigenous lives. Rather, the report, while pointing out that there is no history of domestic-related terrorism, nevertheless uses the conjunction to negate this absence. This negation then serves to make Maori (‘demonstrations and land occupations’) and terrorism seem mutually substitutable – indigenous sovereignty is not seen as part of the national texture. Lines of inclusion and exclusion are also drawn in the *New Zealand Herald* (2007) report which points out that the raids ‘targeted Maori, political and environmental activists,’ and were, according to Police Commissioner Howard Broad, ‘carried out in the interests of public safety’. In both this and the *Bloomberg* report, Maori specifically, and political and environmental activists more generally, are reconfigured as dangerous individuals and groups whose presence threat-

ens the stability and sovereignty of the nation-state, and whose exclusion is necessary for the stability of the national population. In addition, the *New Zealand Herald* (2007) report cites the Commissioner to represent the raid as something necessary in the interests of public safety, again drawing a clear line of inclusion and exclusion between the public at large, who are configured as peaceful, law-abiding citizens of the nation, and those who are violent, law-breaking non-citizens, the alleged ‘terrorists’, who are not located within the domain of a national public. This reconfiguration works on the assumption that the public is made up of like-minded individuals who subscribe to the workings of the state, particularly its expression of sovereignty. The mobilisation of the public and the discourse of public safety by the Commissioner, as reported (without question) by the media, also serve the powerful function of justifying the necropolitical operations of the state in the times of war by doing so in the name of the people. As Foucault points out, ‘wars are no longer waged in the name of the sovereign who must be defended: they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital’ (1978: 137). In other words, the public and the notion of public safety become an alibi for the violence that the state unleashes on members of the public whose life is deemed as unnecessary, not serving the common good, and hence who can be killed so that others can live. This is a system of accounting for life that demarcates between those who belong and who must live and those who do not and who must die.

From the reports on and about 15 October 2007, it is quite clear that while those arrested include both Maori and Pakeha, and people of different activist orientations, the media amplified and intensified the moral panic around terror in racialised terms in its choice of images and structure of reporting. On the one hand, the discourse of terrorism was reported in very reduced racist terms: Maori now become the archetypal figures of terrorism. On the other hand, this practice is not reductive insofar as this media representation has a history; it invokes the history of Tuhoe resistance and of land grabs by the Crown.<sup>17</sup> The operation of the media thus solidifies and consolidates the system of visualising terror since the subject of the image ‘put to death’, in Foucault’s sense, is one that has historically challenged the sovereignty of the nation-state. In that sense, the ‘killing’ of Iti, Tuhoe, Ruatoki and Maori sovereignty by the media, putting them to death in the public domain, is part of a serial killing strategy that the state has employed when it feels threatened by an internal ‘danger’.

POLICING TERROR

I wish now to discuss the 15 October raids by examining the arrest of Valerie Morse, as she recounts it in her submission to *Counterpunch*, against the siege of Ruatoki and South Auckland on the same day. This comparison connects with the earlier argument, in that the policing of terror reveals the extent to which the rule-enforcers are implicated in producing and perpetuating a racialised moral panic of terrorism. Further, it reveals that this is not simply 'a discriminatory technique of repression, [*but a practice which*] animates a particularly sovereign function' (Sentas 2006: 8), a racialised sovereignty.

Here is an excerpt of Morse's first-hand account of her arrest and her comparison of this with the policing techniques in Ruatoki and South Auckland:

The raids were staged on a Monday morning starting at approximately 5 am. At 5:45 am, the Police knocked on my door. Then they nearly broke it down. When I opened it, 15 officers swarmed in, waving an 80-page search warrant in my face. When I said, 'this isn't signed', the detective responded 'here, here's the signed copy.' Then they ransacked my room, pulling my plants out of their containers, removing the back of my refrigerator and collecting a raft of documents, photographs, electronic gear and clothing. Finally, they arrested me and told me that I was going to be charged with participating in a terrorist group. ... Of the 17 arrested ... 12 were Maori, many from the Tuhoe iwi (tribe) ... In a spectacular display of force, armed, balaclava-clad police known as the 'armed offenders squad' quite literally invaded the small Tuhoe town of Ruatoki and blockaded the entire community. On an elaborate quest for terrorists and evidence, they stopped all vehicles coming in or out of the community and photographed the drivers and occupants. In the process of conducting house raids, they severely traumatized many people, including locking a woman and five children in a shed for six hours while the man of the family was questioned, taking a woman's underwear as evidence, and boarding a local school bus. In one South Auckland raid, the police held an entire family, including a 12 year old girl, on their knees with hands behind their heads for some 5 hours, asking the young woman if she was a terrorist. This was the pattern for raids in the Maori communities. For the non-indigenous arrestees ... the situation was starkly different. In my case, I was not even handcuffed as I was walked to the car. No white neighborhoods were blockaded, nor were white bystanders stopped

and photographed as they went about their daily business that cool Monday morning in October (Morse 2008).

Morse's account of her arrest in comparison to the arrests of Maori in South Auckland and Ruatoki affirms the relativity of the notion of risk that is culturally determined, and 'delivers the privilege of whiteness' (Sentas 2006: 8). The resonance of an orientalist discourse is quite strong: built into the differential policing techniques is a racist undercurrent that continues to mark Maori as dangerous, terrifying, capable of extreme violence, replaying (post) colonial stereotypes. The orientalist paradigm legitimizes the use of paramilitary techniques of policing and violent acts which disregard the rights of the individuals, such as the 'woman and five children [*locked*] in a shed for six hours' or the family 'on their knees with hands behind their heads for some 5 hours'. Conversely, Morse's arrest was much more subdued in that there were no armed police, no lockdown of the community, no handcuffing, and no photographing.

I am not suggesting that Morse's arrest was insignificant or that it was all within the auspices of the law, since the very law under which she is charged is suspect;<sup>18</sup> rather, I argue that the differential policing techniques should be grasped not only as 'a discriminatory technique of repression', but more crucially as shoring up a specific sovereign function. Police and policing are key investments of the state that reproduce and project its biopolitical power, a power 'whose task is to take charge of life' (Foucault 1978: 144), to define life, to produce and reproduce life. The racially differentiated policing techniques legitimise a racialised biopower through the production of differentiated spaces within the nation. As Morse (2008) claims, the residents of her neighbourhood 'went about their daily business that cool Monday morning in October'. The same cannot be said for the spaces of Ruatoki and South Auckland, which were invaded and occupied by the police, with physical and symbolic borders being erected, and movement highly regulated through techniques of surveillance (searching and photographing). As reported in the *New Zealand Herald* on 18 October 2007:

the police cordon was symbolically set up besides the 'confiscation lines', up to which the Crown took land from the Tuhoe tribe in the 1860s. A roadblock stopped people from going to work, mirrors were used to search beneath cars and police examined under bonnets. People were stopped and had to stand in front of their car and hold a number while police photographed them (Gower 2007).<sup>19</sup>

The community in Ruatoki, unlike Morse's neighbourhood, was subject to 'biopolitical tattooing', the use of technologies of surveillance in the name of security, but which has nothing to do with security and everything to do with the 'new "normal" bio-political relationship between citizens and the state' (Agamben 2004). The lockdown at Ruatoki in the name of security produces a different relationship between citizen and state, a relationship that disregards what is constitutionally guaranteed under the New Zealand Bill of Rights Act (1990) Section 18, the freedom of movement.<sup>20</sup> The bio-political policing technique employed in Ruatoki thus removes the constitutional guarantees of the citizens of the community, manufacturing this space as a space of exception (Agamben 2005) within the nation. In another incident, it was reported that 'children in a school bus said they were frightened when the bus was pulled over and searched at an armed-police roadblock. Over 100 people were stopped and compulsorily photographed – a procedure that has no legal basis' (Braddock 2007). But while Ruatoki and South Auckland are produced as spaces of exception, the same does not take place in Morse's neighbourhood.

Agamben traces the concept of state of exception and its relationship to sovereignty, and suggests that the state of exception is 'the dominant paradigm of government in contemporary politics' (2005: 2). Drawing on the immediacy of the global war on terror, Agamben argues that 'the transformation of a provisional and exceptional measure [*the creation of a state of emergency or exception*] into a technique of government threatens radically to alter ... the structure and meaning of the traditional distinction between constitutional forms [*democracy and absolutism*]' (2005: 2).<sup>21</sup> In other words, the state of exception has become a permanent feature of democratic societies, and has been most recently mobilised in the war on terror rhetoric, specifically the Patriot Act, 'which authorized the "indefinite detention" and trial by "military commissions" ... of noncitizens suspected of involvement in terrorist activities' (Agamben 2005: 3). The creation of a permanent state of exception signals not the rule of a specific law, or 'a special kind of law (like the law of war); rather, ... it is a suspension of the juridical order itself' (Agamben 2005: 3, 4). The suspension of the juridical order does not then mean that the sovereignty of the nation-state, built upon a set of juridical orders and structures, is under threat. Rather, it consolidates and ensures the survival of the nation-state's sovereignty precisely because the state of exception opens the possibility for the production and institution of law-preserving, sovereignty affirming, measures that 'lie outside the sphere of law' (Kruger 2005: 341). That is to say, the state of exception – 'a space devoid of law, a zone of anomies, in which all legal determinants ... are deactivated' (Agamben 2005: 50) – produces the very conditions for the use of extra-legal measures to ensure the

survival of the sovereignty of the nation-state. This is precisely how and when ‘the juridico-political system transforms itself into a “killing machine”’ (Agamben 2005: 86), where questions of citizenship and individual rights can be diminished, superseded and rejected in the process of claiming this extension of power by a government. The state of exception thus provides the very conditions for the brutalization of individual and collective rights and liberty. Differential policing techniques, producing Ruatoki and South Auckland as states of exception, where juridical law is suspended, in turn legitimise the disregard of individual rights (guaranteed by the constitution), including the use of surveillance techniques such as photographing community members. In short, within Ruatoki and South Auckland, the state ‘transforms itself into a killing machine’ (Agamben 2005: 86) and murders the rights of the community members in these spaces.

None of this should come as much of a surprise when the state of exception, as Agamben puts it, ‘has today reached its maximum worldwide deployment’ (2005: 87). As Laurence Simmons asserts, the state of exception ‘has also become the rule here in Aotearoa New Zealand’ (2007: 48). The contemporary politico-legal scenario in New Zealand, particularly post-9/11, characterized by the imposition of the Terrorism Suppression Act, is one example of this. Others, as Simmons points out, include the incarceration of Ahmed Zaoui and the discursive production of Zaoui as a potential threat, and the Foreshore and Seabed legislation ‘which gave ownership of the seabed and foreshore to the state, [*and*] neutralized the Treaty of Waitangi’ (2007: 48). These examples testify to the continuation of a permanent state of emergency and exception characterising Aotearoa. In that sense the 15 October 2007 media practices and policing techniques are another moment in a longer, continuous deployment of a state of exception. They also tell us that ‘the law, in order to guarantee its own functioning, must necessarily entertain a relation to anomie’ (Simmons 2007: 48); and on 15 October 2007, the anomies were the spaces of Ruatoki and South Auckland, spaces with a predominant Maori population.

The production of specific spaces with a predominant Maori population with a history of resistance to colonial and postcolonial governments as a state of exception implicates the police in perpetuating a racialised moral panic of terrorism. Both the differential policing techniques and the media participate in reconfiguring terror intelligibly through recourse to the indigenous body. The indigenous body is thus seized as the site for making terror comprehensible, lucid and ‘logical’, and the recourse to the indigenous body to make sense of terror has a history. It is not an aberration; rather, it is the rule. That is to say, Maori have always been situated as the exception when the nation-state

wishes to flex its sovereign muscle. The state of exception produced by the siege of Ruatoki and South Auckland provides the condition for the exercise of biopower: ‘the right to make live and let die’ (Foucault 1997: 241). The production of selected national spaces as states of exception, and the writing of terror through the indigenous body, are practices that animate the sovereign power to define life itself. Exposing indigenous spaces and indigenous lives to death (‘to political death, expulsion, rejection, and so on’ as Foucault (1997: 256) writes) animates a particular regime of power – biopower, the power to rule over life and its death – and a particular inscription of sovereignty. Both the differential policing and the media reportage are implicated in the management of indigenous lives in the name of the larger population, suggesting race as foundational to the workings of the state and its version of sovereignty.

#### RACIALISED SOVEREIGNTY

By way of a conclusion, I wish to explore the consolidation of state sovereignty through the technology of biopower and the centrality of racism to this. Sovereign power, according to Foucault, works through two oppositional and complementary technologies of power: disciplinary power, which emerged some time in the seventeenth century, and biopower, which emerged around the late eighteenth/early nineteenth centuries. The former ‘centers on the body, produces individualizing effects, and manipulates the body as a source of forces that have to be rendered both useful and docile’ (Foucault 1997: 249). The latter

is centered not on the body but on life: a technology [*of power*] which brings together the mass effects characteristic of a population, which tries to control the series of random events that occur in a living mass ... This is a technology which aims to establish a sort of homeostasis, not by training individuals, but by achieving an overall equilibrium that protects the security of the whole from internal dangers (Foucault 1997: 249).<sup>22</sup>

The shift in the way sovereign power is exercised does not mean that disciplinary power is no longer exercised; on the contrary, disciplinary power remains a key mode of exercising power but it has been supplemented with biopower. These two complementary technologies of power upon which state sovereignty relies to authorise its legitimacy mark the two rights of sovereignty: the first right – ‘to take life or let live’ (Foucault 1997: 241) – is constituted under the regime of disciplinary power, while the second right – ‘to make live and to let die’ (Foucault 1997: 241) – is constituted under the regime of biopower.<sup>23</sup>

Alongside disciplinary power therefore, there emerges another power that ‘takes control of both the body and life or that has ... taken control of life in general – with the body as one pole and the population as the other’ (Foucault 1997: 253). Biopower thus marks a modality of government that is concerned with the population, or more precisely with the strategic management of population.<sup>24</sup> It also marks a rethinking of the way in which the power of sovereignty is constituted: sovereignty now, because it is dealing with populations, cannot survive simply by disciplining (to take life and let live); rather it is underpinned by the ‘power of regularization ... [of] making live and letting die’ (Foucault 1997: 253). And this is done by ‘using overall mechanisms and acting in such a way as to achieve overall states of equilibration or regularity; it is, in a word, a matter of taking control of life and the biological processes of man-as-species and of ensuring that they are not disciplined, but regularized’ (Foucault 1997: 246, 247). Sovereign power is now invested in deploying various regularising technologies of power to organize the population so as to maximize its value as resource.<sup>25</sup> This new mode of organising the multiplicity of individuals that is the population is what Foucault calls biopower. Biopower seeks to bring ‘life and its mechanisms into the realm of explicit calculations’ (Foucault 1997: 143); calculations that seek to quantify, measure, objectify, and classify the forces of life in ways or relations that ‘maximize and extract forces’ (Foucault 1997: 246) most productively. In that sense, both biopower and disciplinary power seek to set up social relations to extract maximum potential. However, biopower differs in that it does not concentrate on the ‘individual at the level of individuality’ but on ‘man-as-species’ (Foucault 1997: 246, 7). This new mode of government, of sovereignty, organises the forces of life, determining which lives live and die, which can be murdered and which should not be, in the name of the well-being of the population.

Seen in this way, the racialised arrests and media practice on 15 October 2007 cannot be simply read as disciplinary power at work. Indeed the choice of Iti as the preferred face of terror in the media, as an instance of ‘taking the individual at the level of individuality’ (Foucault 1997: 246), does affirm the workings of disciplinary power. However, this fails to account for the way in which Iti’s individuality is cast as part of a larger population of living beings: Iti stands in for indigenous communities and the demand for sovereignty; the production of the Maori community of Ruatoki as a state of exception is a project of defining a segment of the population as a problem to the rest. The arrests and media practice are part of a project of sovereignty engaged in the management of life, or more precisely the management of indigenous life in the name of the well being of the population. They are part of a larger system of calculating, classifying and objectifying forms of life in ways that ensure the



optimisation of the general state of life and the nation-state's sovereignty. As the arrests and media reports confirm, Maori are thus produced, calculated, classified and put to death as an internal danger that threatens the 'overall equilibrium that protects the security of the whole' (Foucault 1997: 249). They thus function to 'kill' Maori, or a specific version of Maoriness that demands sovereign rights, and serves to consolidate the nation-state's sovereign right to deploy 'security mechanisms ... around the random element inherent in a population of living beings so as to optimize a state of life' (Foucault 1997: 246). On 15 October therefore, a number of key actors in the production of moral panic chose deliberately to racialise terror in the figure of Maori demanding sovereignty, by managing and classifying indigenous life. The actions of the police and the media are not an aberration. The deliberate racialisation of Maori, the choice of Iti as the face of terror and the construction of Ruatoki as a space of exception for the exercise of biopower by the police and media are 'bound up with the workings of the state' (Foucault 1997: 254), to underscore state sovereignty.

Paradoxically therefore, biopower, as the technology of power that the state employs to regulate the population, that power whose 'basic function is to improve life ... call[s] for deaths, ... demand[s] deaths, ... give[s] the order to kill, and ... expose[s] not only its enemies but its own citizens to the risk of death' (Foucault 1997: 254). Given this, we must ask under what conditions, on what grounds, did the media, the police and the nation-state legitimise exposing Iti, the residents of Ruatoki and South Auckland (including children), and the demand for indigenous sovereignty, to the risk of death? The response to this is racism; more precisely, the emergence of biopower legitimised the putting to death of enemies and citizens by inscribing racism 'as the basic mechanism of the State ... [*and*] as a result the modern State can scarcely function without becoming involved with racism at some point, within certain limits and subject to certain conditions' (Foucault 1997: 254). Foucault is not saying that racism only emerges at this moment when biopower underpins the power of sovereignty; rather, as he says, 'racism has already been in existence for a very long time. But ... it functioned elsewhere' (1997: 254), in the sense that it was not inscribed as fundamental to the operations of the State. It is only with the State shifting its focus from the individual to the population as a political problem that we see racism emerging as 'a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die' (Foucault 1997: 254). Racism thus works to fragment the forces of life that power controls, 'a way of separating out the group that exist within a population' (Foucault 1997: 255). Thus the first function of racism is to fragment the biopolitical field and construct regimes of inclusion and exclu-

sion. The media practices and differential policing techniques on 15 October operated through this logic: the racialisation of terror functions to fragment the biopolitical field to situate Maori, the demand for indigenous sovereignty, Ruatoki, Tuhoe, and indigenous resistance, in the zone of exclusion.

The second function of racism as Foucault points out, is about ‘allow[ing] the establishment of a positive relation of this type: “the very fact that you let more die will allow you to live more” ... “if you want to live, you must take lives, you must be able to kill” (1997: 255). The relationship that racism produces here is both similar to ‘the relationship of war’ and at the same time dissimilar, in that racism reproduces the relationship of war in ‘a biological-type relationship’ (Foucault 1997: 255). The relationship is now based on species type, and so the more inferior, abnormal, species are killed, ‘the fewer the degenerates there will be in the species as a whole’ (Foucault 1997: 255). Racism thus justifies the killing of the other not simply in the sense that the death of the other assures ‘that I live ... [or] guarantees my safety ... [Rather] the death of the other ... of the bad race, of the inferior race ... is something that will make life in general healthier: healthier and purer’ (Foucault 1997: 255). Here racism legitimises the killing of those who are deemed a threat to the population under the guise of maintaining the safety and security of the populace. Racism is used to justify the killing of the other in the name of purifying life, keeping life healthy. We can see how the second function underpins the arrests, the production of Ruatoki and South Auckland as states of exception, and the necropolitical media practices, in that the racialisation of terror – the racism of terror – provides the preconditions for exercising sovereign power – the right to life and death. In this context then, the arrests and media reportage are more about managing indigenous life, indigenous sovereignty, as a threat that must be violently dealt with to secure the well-being or security of the rest of the population. Let us recollect that it was precisely in the name of the population and of making it safe and secure that the Police Commissioner Howard Board legitimised the raids. As he said: ‘the raids were carried out in the interests of public safety.’<sup>26</sup>

15 October 2007 Aotearoa, the anti-terror raids, the differentiated policing techniques and the media coverage I have discussed demonstrate that what took place on that day was not an exception; the racialised visualisation and policing of terror is a continuation of a longer history of exploitation and oppression of the indigenous community in this country. Reading the media practice as media necropower at work, and the arrests in terms of state of exception, biopower and the power of sovereignty, I have attempted to demonstrate that the media practice and arrests animate a specific sovereign function whose precondition is racism. The production of a racialised moral panic of

terror needs to be conceptualised as a key sovereign investment in the management of life, or more precisely the management of indigenous life in the name of the well being of the population. And this investment ensures the continuation of a racialised state sovereignty.

NOTES

- 1 I wish to thank the reviewers for their instructive comments.
- 2 Some key elements of the Terrorism Act include the following: 'the law makes it a criminal offence to take part in, finance or recruit for a terrorist organisation or terrorist act; planning a terrorist act, or making a "credible threat", is also illegal even if it is not carried out; unlike other countries the law does not give police additional powers of arrest or detainment; the Attorney-General must give the green light to any prosecutions under the Act, but Michael Cullen has delegated this responsibility to Solicitor-General David Collins; under the Act groups can be listed as a designated terrorist entity, but so far no local groups have been designated. Those that have been listed are United Nations designated groups.' Cited from *NewZealand Herald*, 'Exclusive: Hunters Alerted Police to Alleged Terror Camps (+ photos)', 15 October 2007 [http://www.nzherald.co.nz/section/1/story.cfm?c\\_id=1&objectid=10469938&pnum=4](http://www.nzherald.co.nz/section/1/story.cfm?c_id=1&objectid=10469938&pnum=4)
- 3 The basis for the selection of online print media outlets requires clarification: I have selected the following examples to shore up the point that the media participates in the production of a moral panic around terrorism that is highly racialised. At the same time, there was media coverage of the issue that did not set up the event in racialised terms. For instance, the *Sunday Star Times* report for 21 October 2007 gave considerable attention to comments by Iti's son, Toi, who 'told National Radio last week his father was "just a 55-year-old man with diabetes" who would never dream of "blowing up innocent children at shopping malls it's not his style"'. Other comments on Iti cited included the following: 'Iti co-hosts a boys' agony programme for emotionally distraught brothers once a week on Maori TV and then hangs about in Ponsonby cafes. He wears camouflage gear, but doesn't have the body type for special ops' from *Sunday Star Times* columnist and Canterbury University academic Rawiri Taonui; Iti's partner, Maria Steens, a social worker, 'scoffs at the suggestion her partner of 10 years is a terrorist. "I wouldn't hang out with a man who's a terrorist. If those allegations are true, I don't know when he fits it all in," she said. Asked why Iti would be associating with environmental activists, she said: "I guess he's as passionate as the rest of us in terms of environmental issues. Tame's friends are so broad he doesn't just hang out with Maori activists, he hangs out with all sorts of

people Maori and Pakeha”.

Numerous other friends were quoted as saying that Iti was harmless, a joke, or an actor, an image that has been in circulation at least since his contribution to the Parihaka exhibition at the Wellington City Gallery. This is just one example of the several ways in which the local media seemed concerned with defusing the situation, and seemed concerned with staging Iti as just another ordinary person, a citizen of this country, with strong convictions on issues such as environmentalism and indigenous rights. In effect therefore, it must be said that the coverage of the event in the media did attempt to inflect another image of Iti that differs radically from the staging of Iti in highly racialised and reductive terms as the face of terror. It is the circulation of the latter image that concerns this paper. It must also be said that the non-racialised coverage that circulated could be seen as efforts to mask the racialised processes themselves. The full *Sunday Star Times* coverage, ‘Tame Iti’, is available at <http://www.stuff.co.nz/sundaystartimes/4245134a24815.html>

- 4 Some critics such as Douglas Kellner (2004), Goldie Osuri (2006) and Joseph Pugliese (2003), amongst others, have argued that the racialised regime of visualising terror in the media has intensified, particularly post 9/11. Kellner, ‘in an analysis of the dominant discourses, frames, and representations that informed the media and public debate in the days following the September 11 attacks, show[s] how the mainstream media in the US privileged the “clash of civilizations” model, established a binary dualism between Islamic terrorism and civilization, and largely circulated war fever and retaliatory feelings and discourses that called for and supported a form of military intervention’ (2004: 44). Similar arguments animate Goldie Osuri (2006) and Joseph Pugliese’s (2003) articles, both of which demonstrate the intensification of racialised and polemical forms of media coverage of the ‘other’, post 9/11. The point here is that what we witnessed in the media on 15 October 2007 is part of a larger transformation in global media culture and practice which unproblematically turns to simplistic, polemic, racial and cultural divisions to unleash ‘symbolic and physical violence against its designated targets’ (Pugliese 2003: para 6). At the same time, it must also be emphasised that the media practice of visualizing terror, while intensified post 9/11, has a much longer history. Edward Said’s 1981 *Covering Islam*, for instance, documents the extent to which the Western media, particularly the press, invoked and perpetuated specific racial and cultural stereotypes of Islam and the Muslim world: stereotypes that are unproblematically linked to the discourse of terror.
- 5 Valerie Morse introduces herself as such in the *Counterpunch* article: as a ‘Wellington-based anarchist and writer. She spent most of her 36 years in and around Tucson Arizona and Washington DC but left the US during the Clinton era in

disgust. She is currently facing three charges under the Arms Act for possession of guns, restricted weapons (molotov cocktails) and ammunition resulting from the October 15, 2007 raids. As a result of her life as a so-called “terrorist”, her passports have been confiscated and her life as an anarcho-tourist rather severely curtailed.’ She identifies herself as Pakeha.

- 6 The full *BBC* (2007) report, ‘NZ Police Hold 17 in Terror Raids’, is available at <http://news.bbc.co.uk/2/hi/asia-pacific/7044448.stm>
- 7 The full *New Zealand Herald* (2007) report, ‘Exclusive: Hunters Alerted Police to Alleged Terror Camps (+ photos)’, is available at [http://www.nzherald.co.nz/section/1/story.cfm?c\\_id=1&objectid=10469938](http://www.nzherald.co.nz/section/1/story.cfm?c_id=1&objectid=10469938)
- 8 The report in *The Age* (2007), ‘Anti-terror Raids in New Zealand’, is available at <http://www.theage.com.au/news/world/antiterror-raids-in-new-zealand/2007/10/15/1192300647235.html&h=409&w=300&sz=38&hl=en&start=1&um=1&tbnid=T-4XV5TRKIZl5M:&tbnh=125&tbnw=92&prev=/images%3Fq%3Danti-terror%2Braids%2BNZ%26um%3D1%26hl%3Den%26client%3Dsafari%26rls%3Den%26sa%3DN>
- 9 The *Reuters* (2007) report, ‘New Zealand Police Swoop on Weapon Training Camps’ can be accessed at <http://www.reuters.com/article/latestCrisis/idUSW-EL207669>
- 10 The report in *The Australian* (2007) is available at <http://www.theaustralian.news.com.au/story/0,25197,22587575-2703,00.html> while the *Bloomberg* report by Emma O’Brien (2007), ‘New Zealand Anti-Terror Police Seize Weapons in Raid’ can be obtained at <http://www.bloomberg.com/apps/news?pid=20601081&sid=aBCKchaL958M&refer=australia>
- 11 It was not only the media that was implicated by Young (1971) in the production and dissemination of a moral panic around deviance; complicit in the operations were what he calls agents of social control, or state-apparatuses, and public opinion.
- 12 See for instance the conversation cited below by key political figures as reported on the *Australian Broadcasting News*, which further amplifies the racialised production of moral panic. On the one hand, Peter Sharples claims, and rightfully, that the terror raids were racialised; while on the other, both Parekura Horomia and Ron Mark deny this and in fact claim that the racialisation of the raids by Sharples was an attempt to politicise the issue instead of focusing on the raids as

a measure of security. The simultaneous denial and charge (of trying to politicise the event) does not erase the racial trope; rather, it affirms it by its denial and reconstitution (as politicisation) precisely because now the anti-terror raids are equated as a politicisation and racialisation of security. In effect, then, the discourse of the raids is always-already racialised. Here is the conversation in full: 'Maori Party leader Pita Sharples says it is a sad throwback to the darkest days in the country when colonial troopers stormed into Maori villages. "It's saying there are terrorists in our country, and the terrorists are Maori-centred," he said. "There's that and it's the way the raids were carried out, paramilitary style, in front of children and so on just with big guns. That's what I meant by taking us back a century." But Maori Affairs Minister Parekura Horomia says it is a homeland security, not a race issue, and that the Maori Party is rushing to judgment before all the facts are disclosed. "This is not an exercise to play the race card in, as much as some journals and some community sectors will perceive it as such, and play it," he said. "Let's be frank about it. There have been tensions over the years. [*But*] by crikey, our race relations are as good as anybody's in the world, if not better." The New Zealand First Party's law and order spokesman, Ron Mark, says the Maori Party is attempting to politicise the police response to a legitimate security threat. "If the police were in possession of some of the intelligence that we believe that they have, and they did nothing, and something happened, what would people be saying now?" he asked. "This is not about race. The people that have been arrested, charged and investigated are not all Maori. To suggest that it's racist is foolishness, and if I could be polite, it is mischievous" (Lewis 2007). Available at <http://www.abc.net.au/news/stories/2007/10/19/2064563.htm>

- 13 It must be emphasised that the notion of moral panic and the media's role in it has been criticized as well as affirmed. See, for instance, Stabile in 'Conspiracy or Consensus? Reconsidering the Moral Panic' which offers the following cautions as criticism: firstly, 'while consensus can be documented among producers of the media and the institutions involved, consensus among producers does not necessarily translate into consensus among consumers' (2001: 261); secondly, how is public fear or panic measured? 'What instruments can be used to measure fear?' (2001: 260); third, that it is difficult to make a causal link between crime coverage and public panic; and finally, that public opinion on crime cannot be simply equated to the publicity of the crime. While I do agree with the first and the last criticisms, I find the other comments rather problematic. Driving this criticism is a positivist approach that calls for instrumentalising fear, which in itself is a problem since fear is externalised in the form of writings to editorials for instance, and also internalised, where there is no expression of fear in the public domain, and hence cannot be instrumentally accounted for. The point on causal link is rather ungenerous because Hall is not saying that increased crime

coverage results in increased public panic; rather he is saying that increased crime coverage connects with existing social anxieties about crime and amplifies, intensifies, these anxieties. This is a crucial difference. Elsewhere, those such as Paul Gilroy (1987) in *'There Ain't No Black in the Union Jack'* and Rothe and Muzzatti (2004) in 'Enemies Everywhere: Terrorism, Moral Panic and the US Civil Society', for instance, use the concept of moral panic productively to demonstrate the ways in which specific discourses such as criminality and terrorism are produced to mislead and misguide public consciousness.

- 14 The armed police are a specialist wing of the police force called upon in times of extremity.
- 15 As Mbembe writes: 'this essay assumes that the ultimate expression of sovereignty resides, to a large degree, in the power and the capacity to dictate who may live and who must die. Hence, to kill or to allow to live constitute the limits of sovereignty, its fundamental attributes. To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power. One could summarize in the above terms what Michel Foucault meant by *biopower*: that domain of life over which power has taken control. But under what practical conditions is the right to kill, to allow to live, or to expose to death exercised? Who is the subject of this right? What does the implementation of such a right tell us about the person who is thus put to death and about the relation of enmity that sets that person against his or her murderer? Is the notion of biopower sufficient to account for the contemporary ways in which the political, under the guise of war, of resistance, or of the fight against terror, makes the murder of the enemy its primary and absolute objective? War, after all, is as much a means of achieving sovereignty as a way of exercising the right to kill. Imagining politics as a form of war, we must ask: What place is given to life, death, and the human body (in particular the wounded or slain body)? How are they inscribed in the order of power?' (2003: 11–12)
- 16 On 14 September 2007 the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples and announced the following: 'With an overwhelming majority of 143 votes in favour, only 4 negative votes cast (Canada, Australia, New Zealand, United States) and 11 abstentions, the United Nations General Assembly (GA) adopted the Declaration on the Rights of Indigenous Peoples on September 13, 2007. The Declaration has been negotiated through more than 20 years between nation-states and Indigenous Peoples.' The full report is available at <http://www.iwgia.org/sw248.asp>

- 17 In her book *Against Freedom: The War on Terrorism in Everyday New Zealand Life* Valerie Morse traces the response of the New Zealand government to the war on terror and locates this within a larger historical narrative. As she remarks, ‘colonisation, systematic discrimination against Maori, racist immigration policies, support for the UK, then US wars, worker oppression, crumbs given to the masses, the illusion of democracy and media complicity, are all part of the history of this war. Like the US, the war on terrorism is nothing new in New Zealand; rather, it is the continuation of the same exploitation practiced by those in power for more than 165 years’ (2007: 7).
- 18 As Annette Sykes, lawyer for Tame Iti, points out, the police invoked the anti-terrorism act on which their actions were based, without sufficient evidence: ‘What is concerning is the speculation that seems to occur, that you can detain people on charges that may or may not be brought under a piece of legislation that may or may not be invoked, and that you should be held in custody while the police do their homework.’ See the 15 October report in *ABC News* (2007), ‘NZ Police Arrest 17 in Anti-terrorism Raids’, at <http://www.abc.net.au/news/stories/2007/10/15/2060269.htm>
- 19 The 18 October 2007 report by Patrick Gower, ‘Raid Police’s Mangled Attempts to Speak Maori’ can be seen at [http://www.nzherald.co.nz/topic/story.cfm?c\\_id=252&objectid=10470602](http://www.nzherald.co.nz/topic/story.cfm?c_id=252&objectid=10470602)
- 20 Section 18 of the 1990 New Zealand Bill of Rights Act (Ministry of Justice 2004) can be viewed at <http://www.justice.govt.nz/pubs/reports/2004/bill-of-rights-guidelines/section16-18.html#section18>
- 21 It should be noted that the state of exception is not only a feature of the contemporary world, captured by the war on terror discourse. What makes the current conjuncture different is that the state of exception is paradigmatic and not isolated as it was during the period of Fascism. It should also be emphasised that in *State of Exception*, Agamben traces the paradigmatic form historically to the ‘institution of Roman law ... the *iustitum* ... which ... literally means “standstill” or “suspension of law” ... The term implied, then, a suspension not simply of the administration of justice but of the law as such’ (Agamben 2005: 41).
- 22 Foucault characterizes the shift in the operations of political power as a shift from anatomo-politics to biopolitics (1997: 243).
- 23 Disciplinary power ‘tries to rule a multiplicity of men to the extent that their multiplicity can and must be dissolved into individual bodies that can be kept



under surveillance, trained, used, and if need be, punished' (Foucault 1997: 242). In that sense sovereignty is underpinned with taking life or letting live. Biopower, in contrast, 'is not applied to man-as-body [*a feature of the disciplinary regime*] but to the living man, to man-as-living being, ultimately ... to man-as-species' (Foucault 1997: 242). Here, biopower does not seek to individualise; rather this technology of power massifies, begins to 'deal ... with the population, with the population as political problem, as a problem that is at once scientific and political, as a biological problem and as power's problem' (Foucault 1997: 245).

- 24 Government, as Foucault understands it refers to 'the way in which the conduct of individuals or of groups might be directed ... To govern, in this sense, is to structure the possible field of action of others' (2000: 341).
- 25 Sovereign power now works 'to incite, reinforce, control, monitor, optimize, and organize the forces under it; a power bent on generating forces, making them grow, and ordering them' (Foucault 1978: 136).
- 26 Let me add that while I have been discussing racism as the precondition for state sovereignty with reference to how the Maori community, particularly those demanding indigenous sovereignty, have been arrested and represented through Foucault's notion of biopower, it does not follow that racism can be simply conceived in cultural or ethnic terms, although this is done in the media practice and the racialised arrests. Such a view cannot explain why the state targeted political activists, anarchists, and environmentalists whether they were Maori or not. In other words, their cultural location had no bearing on the state's decision. These collectivities were nevertheless arrested, exposed to the sovereign right to live and to kill, because of the racism of the state. And here racism must be grasped 'as a way of introducing a break into the domain of life that is under power's control' (Foucault 1997: 254). The anarchist, political activists, and environmentalists were those figures that were engineered as interrupting the domain of life (and state sovereignty) and hence had to be arrested to make the rest of the population safe and secure.

#### REFERENCES

- ABC News, 2007 'NZ Police Arrest 17 in Anti-terrorism Raids', 15 October <http://www.abc.net.au/news/stories/2007/10/15/2060269.htm>
- Agamben, G. 2004 'No to Bio-political Tattooing', *Le Monde*, 10 January (republished in *truthout*) <http://www.truthout.org/article/le-monde-no-bio-political-tattooing>

- Agamben, G. 2005 *State of Exception*, Kevin Attell (trans), Chicago: University of Chicago Press.
- BBC News 2007 'NZ Police Hold 17 in Terror Raids', 15 October <http://news.bbc.co.uk/2/hi/asia-pacific/7044448.stm>
- Benjamin, W. 1992 *Illuminations*, London: Fontana Press.
- Braddock, J. 2007 'New Zealand: 17 Arrests in Nationwide "Anti-terrorist" Raids', *The International Socialist Organisation* 31 October <http://www.wsws.org/articles/2007/oct2007/newz-031.shtml>
- Cheng, D. 2007 'Terrorism Act "Unworkable"', *New Zealand Herald* 9 November [http://www.nzherald.co.nz/section/1/story.cfm?c\\_id=1&objectid=10474950](http://www.nzherald.co.nz/section/1/story.cfm?c_id=1&objectid=10474950)
- Cohen, S. 1972 *Folk Devils and Moral Panics: Thought Control in Democratic Societies*, Oxford: Basil.
- Foucault, M. 1978 *The History of Sexuality Volume 1*, Robert Hurley (trans), New York: Pantheon Books.
- 1997 *Society Must be Defended: Lectures at the Collège de France 1975–1976*, New York: Picador.
- 2000 *Essential Works: Volume III: Power*, Robert Hurley et al (trans), New York: The New Press.
- Gilroy, P. 1987 '*There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation*', London, Melbourne: Hutchinson.
- Gower, P. 2007 'Raid Police's Mangled Attempts to speak Maori', *New Zealand Herald* 18 October [http://www.nzherald.co.nz/topic/story.cfm?c\\_id=252&objectid=10470602](http://www.nzherald.co.nz/topic/story.cfm?c_id=252&objectid=10470602)
- Hall, S. et al. 1978 *Policing the Crisis: Mugging, the State and Law and Order*, London: Macmillan Education.
- Kellner, D. 2004 '9/11, Spectacles of Terror, and Media Manipulation: A Critique of Jihadist and Bush Media Politics', *Critical Discourse Studies*, 1 (1): 41–64.

- Kelly, M. 2004 'Racism, Nationalism and Biopolitics: Foucault's *Society Must Be Defended*, 2003', *Contretemps*, 4: 58–70.
- Koubaridis, A. 2008 'Iti and Co Want Evidence in Maori (+video)', *New Zealand Herald* 6 March [http://www.nzherald.co.nz/feature/story.cfm?c\\_id=1501470&objectid=10496432](http://www.nzherald.co.nz/feature/story.cfm?c_id=1501470&objectid=10496432)
- Kruger, E. 2005 'State of Exception', *Space and Culture*, 8: 338–342.
- Lewis, P. 2007 'NZ Police Under Fire over "Racist" Raids', *ABC News*, 19 October <http://www.abc.net.au/news/stories/2007/10/19/2064563.htm>
- Mbembe, A. 2003 'Necropolitics', L. Meintjes (trans.), *Public Culture*, 15 (1): 11–40.
- Ministry of Justice 2004 *The Guidelines On The New Zealand Bill Of Rights Act 1990: A Guide To The Rights And Freedoms In The Bill Of Rights Act For The Public Sector* <http://www.justice.govt.nz/pubs/reports/2004/bill-of-rights-guidelines/section16-18.html#section18>
- Morse, V. 2007 *Against Freedom: The War on Terrorism in Everyday New Zealand Life*, Wellington: Rebel Press.
- Morse, V. 2008 'Land of the Long White Lie: The New Zealand Terror Raids', *Counterpunch*, 19 February <http://www.counterpunch.org/morse02192008.html>
- New Zealand Herald 2007 'Exclusive: Hunters Alerted Police to Alleged Terror Camps (+ photos)', 15 October [http://www.nzherald.co.nz/section/1/story.cfm?c\\_id=1&objectid=10469938&pnum=4](http://www.nzherald.co.nz/section/1/story.cfm?c_id=1&objectid=10469938&pnum=4)
- O'Brien, E. 2007 'New Zealand Anti-Terror Police Seize Weapons in Raid' *Bloomberg*, 15 October <http://www.bloomberg.com/apps/news?pid=20601081&sid=aBCKchaL958M&refer=australia>
- Osuri, G. 2006 'Media Necropower: Australian Media Reception and the Somatechnics of Mamdouh Habib', *borderlands e-journal*, 5 (1) [http://www.borderlands.net.au/vol5no1\\_2006/osuri\\_necropower.htm](http://www.borderlands.net.au/vol5no1_2006/osuri_necropower.htm)
- Pugliese, J. 2003 'The Locus of the Non: The Racial Fault-line of "of Middle-Eastern Appearance"', *borderlands e-journal*, 2 (3) [http://www.borderlands.net.au/vol2no3\\_2003/pugliese\\_non.htm](http://www.borderlands.net.au/vol2no3_2003/pugliese_non.htm)

- Rattansi, A. 1997 'Postcolonialism and its Discontents', *Economy and Society*, 26 (4): 480–500.
- Reuters 2007 'New Zealand Police Swoop on Weapon Training Camps', 14 October <http://www.reuters.com/article/latestCrisis/idUSWEL207669>
- Rothe, D. and Muzzatti, S. L. 2004 'Enemies Everywhere: Terrorism, Moral Panic, and US Civil Society', *Critical Criminology*, 12: 327–350.
- Said, E. 1981 *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*, New York: Pantheon.
- Sentas, V. 2006 'Counter-Terrorism Policing – Investing in the Racial State', *ACRAWSA e-journal*, 2 (1): 1–16 <http://www.acrawsa.org.au/journal/acrawsa%202-2.pdf>
- Simmons, L. 2007 'Rogue Pakeha', *ARENA journal*, 28: 45–64.
- Stabile, C. 2001 'Conspiracy or Consensus? Reconsidering the Moral Panic', *Journal of Communication Inquiry*, 25: 258–278.
- Sunday Star Times 2007 'Tame Iti', 21 October <http://www.stuff.co.nz/sunday-startimes/4245134a24815.html>
- The Age 2007 'Anti-terror Raids in New Zealand', 15 October <http://www.theage.com.au/news/world/antiterror-raids-in-new-zealand/2007/10/15/1192300647235.html&h=409&w=300&sz=38&hl=en&start=1&um=1&tbnid=T-4XV5TRKIz5M:&tbnh=125&tbnw=92&prev=/images%3Fq%3Danti-terror%2Braids%2BNZ%26um%3D1%26hl%3Den%26client%3Dsafari%26rls%3Den%26sa%3DN>
- The Australian 2007 'Activists Arrested in NZ Terror Raids', 15 October <http://www.theaustralian.news.com.au/story/0,25197,22587575-2703,00.html>
- United Nations 2007 'UN General Assembly Adopts the Declaration in September 2007', 14 September <http://www.iwgia.org/sw248.asp>
- Young, J. 1971 *The Drugtakers*, London: Paladin.