



Sexual Violence and the Border: Colonial Genealogies of US and Australian Immigration Detention Regimes

Social & Legal Studies

1–14

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DOI: 10.1177/0964663918767954

journals.sagepub.com/home/sls



Suvendrini Perera

Curtin University, Australia

Joseph Pugliese

Macquarie University, Australia

Abstract

This article is concerned with delineating the material manifestations of state violence, with a particular focus on sexual violence in immigration detention prisons in the context of two settler-colonial nation states: Australia and the United States. It draws its impetus from the projected work of the late sociolegal scholar, Penny Pether, and her outline for a large-scale project on comparative regimes of indefinite detention. In our article, we pursue an exchange between the draft of Pether's first chapter, 'Beginning Again', for her projected book, and elements of a transnational project titled 'Deathscapes: Mapping Race and Violence in Settler States' that we initiated in partnership with colleagues in the United States, Canada and the United Kingdom. We track these linkages in order to argue that these similar, if often different, colonial histories both inform and continue to shape contemporary regimes of detention and their reproduction of sexual violence and assault against their captive populations.

Keywords

Immigration detention, settler colonialism, sexual violence, the border

Corresponding author:

Joseph Pugliese, Department of Media, Music, Communication and Cultural Studies, Macquarie University, North Ryde, New South Wales, Australia.

Email: joseph.pugliese@mq.edu.au

This article is concerned with delineating the material manifestations of state violence, with a particular focus on sexual violence in immigration detention prisons in the context of two settler-colonial nation states: Australia and the United States. It draws its impetus from the projected work of the late sociological scholar, Penny Pether, to whom this special issue is devoted, and her outline for a large-scale project on comparative regimes of indefinite detention. In what follows, we pursue an exchange between the draft of Pether's first chapter, 'Beginning Again', for her projected book, and elements of a transnational project titled 'Deathscapes: Mapping Race and Violence in Settler States' that we initiated in partnership with colleagues in the United States, Canada and the United Kingdom.¹

In her overview of US penal history, Pether identifies indefinite detention as a 'national trope sourced in the violence of colonialism in two distinct ways' (Pether, n.d.: 4). First, the 'legal violence' of slavery that was established through the 'foundational importing of black bodies reduced by law and much more intimate violence to the status of chattel'. This legal violence, Pether emphasizes, is what enabled 'the building of a nation' (p. 5). Second, 'indefinite detention is a practice begun by Britain in its colonizing of another inhospitable source of wealth where violence was needed to maintain hegemony and profit: India' (p. 5). What underpins both these modalities of violence is colonialism. The two forms of colonial violence identified by Pether intersect with a third: what Audra Simpson describes as the 'acquisitional and territorial desire' that distinguishes settler colonialism, premised as it is on a form of occupation of colonized land that aims to eliminate the very presence of the Indigene (Simpson, 2014: 19). Both the US and Australian nation states source their very existence, their wealth and their power on the past and ongoing colonization of Indigenous lands, enabled through those originary and transnational practices of British imperialism named by Pether.

The comparative approach that Pether advocated in her projected book works to generate foundational continuities, inconstant overlaps and critical differences between Australia and the United States. For example, Pether delineates in harrowing detail the vitally constitutive power of 'blackfish oil', the name given to slaves by British and American traders, in the construction of the United States as a nation. Slavery in the US context, she underscores, was legislatively enabled, and thereby policed and maintained, through and by law. Critically, it was dependent upon the mass importation of captured human subjects, viewed as little more than replaceable human tonnage shipped across the trauma-soaked Middle Passage and 'later commercially bred in ways equally barbaric' (p. 5). These practices operated in tandem with the expropriation of Indigenous lands and the exploitation of Indigenous bodies as economic and symbolic resources for the national narratives of infinite expansionism and manifest destiny (Dunbar-Ortiz, 2014: 2–3).

In the Australian context, under the legislated regime of the Aboriginal Protection Acts enacted across its various states, the Indigenous peoples of the continent, often forcibly removed as children from their families and sent to work as domestics or farmhands, supplied unpaid labour, and were crucial to the national project of building the settler-colonial state, as now juridically identified through the ongoing Stolen Wages campaign to recover their dues (Kidd, 2007). This forced Indigenous labour was

supplemented by the importation of Australia's own version of 'blackfish oil': the violent practice, dismissively termed 'Blackbirding', through which Australian traders, between 1863 and 1904, kidnapped over 60,000 South Sea Islanders to work as indentured labour in the Queensland sugar plantations. The project of Australian nation-building and external colonization were both enabled by the Aboriginal Protection Acts that secured, through both military and paramilitary forces, the 'clearing' of the land of its Indigenous peoples and their consequent corralling into reserves, camps and penal settlements. Connecting the two different histories of settler-colonial nation-building then, is this indelible, if repeatedly invisibilized, link: the expropriation of Aboriginal and Native American land. As such, both national narratives are steeped in what Pether aptly terms the 'effaced white on black domestic terrorism that so signally marked the nation[s] during the 19th and 20 centuries' (p. 6).

We track these linkages not merely as a historical preamble, but in order to argue that these similar, if often different, colonial histories at once inform and continue to shape contemporary regimes of detention and their reproduction of sexual violence and assault against their captive populations. Our argument is that the border is a site where these forms of violence are concentrated and licensed, both at the legislative level and at the level of expansive discretionary powers which enable multiple forms of non-accountable force and violence to be directed against non-White and racialized bodies that are viewed as threats to national security.

In *Mohawk Interruptus*, Audra Simpson notes that the current preoccupation with national security in the United States and Canada and their 'post-9/11 anxieties have a deeper history' that is enmeshed with that of the settler-colonial state (Simpson, 2014: 123). In the wake of 9/11, Simpson (2014: 123) notes,

our rights were constructed, along with those of others, as a threat to national security... 'Status Cards' issued by Canada and the United States attesting to our recognition as Indians would no longer suffice... our bodies, narratives, and arguments then folded into the seemingly newer threat to settler sovereignty and security – the illegal alien, the always-possible terrorist – rendering perhaps all bodies of color as border transgressors with the presumed intent to harm.

Some of the ways in which threats to settler-colonial sovereignty and security by such border transgressors are 'folded into' one another are further elaborated in a recent article by Richard Rodriguez, titled 'Not counting Mexicans and Indians'. Rodriguez insistently connects the ongoing forms of violence that characterize the US state: violence against Indigenous peoples since 1492, the racialized punishment of Black and Brown prisoners in US jails and violence against immigrants at its borders. This violence at the border, Rodriguez further argues, is one that is ever expanding:

Within the past generation, the border has literally become a killing field. It has become a cemetery for migrants from Mexico and Central America. And yet, in many ways, the border has extended to the entire country... For example, in December 2014, the US Justice Department put forth new racial profiling guidelines that formally ban racial profiling in the United States. There are, however, two huge exceptions that render these guidelines

virtually meaningless for Brown peoples. The guidelines exempt both the border region, which ‘legally’ means 100 miles from the actual border, plus much of the Department of Homeland Security. (Rodriguez, 2015)

The Department of Homeland Security oversees the Immigration and Customs Enforcement (ICE) prisons in the United States, a fact that crystallizes the relation between border security and settler-colonial sovereignty. In both the US and Australian contexts, regimes of immigration detention must be seen as predicated on reproducing and attempting to legitimate national sovereignties secured through violence, subjugation, attempted genocide and the social, political, cultural and economic extinguishment of their respective Indigenous peoples. To connect practices of immigration detention of asylum seekers, refugees and the undocumented to the incarceration of racialized prisoners is to bring into graphic focus the ongoing tensions and contradictions that continue to unsettle the seemingly completed project of the modular and unitary settler-colonial nation state. Violent practices of immigration detention, when examined within these two geopolitical contexts, expose those very pressure points of instability that challenge the authority of the settler-colonial state to determine, once and for all, who may assume residence within its boundaries.

Rodriguez points out that the expandable reach of border violence is imbricated with sexual violence: ‘Much of the violence committed against undocumented migrants, especially against women and including rape, largely goes unreported for fear of deportation’ (Rodriguez, 2015). In this article, we want to begin to call attention in particular to the border as the continuing site where colonial sovereignty is enacted and reproduced through sexual violence. As we will discuss in detail, in the case of Australia’s offshore immigration detention programme, carried out on the territories of its former colonial protectorates in Nauru and Papua New Guinea (PNG), sexual violence against refugees and asylum seekers forms part of the spectacle of ‘deterrence’ intended to enforce the sanctity of Australia’s own ‘sovereign borders’ (Operation Sovereign Borders is the official title of the programme to halt the arrival of refugee boats). A 2016 report by Amnesty International and Human Rights Watch has noted that ‘Few other countries go to such lengths to deliberately inflict suffering on people seeking safety and freedom’ (Amnesty International and Human Rights Watch, 2016). Through this deliberate infliction of suffering in the name of protecting the borders, the violence of settler-colonial sovereignty is reproduced and revindicated.

In this brief discussion, we can only signal a number of the axes along which the treatment of illegalized arrivals functions to reproduce ongoing forms of colonial violence, as it also ramifies and mutates into new formations. We focus in particular on practices of enforced labour, sexual violence and border violence that reinscribe patterns of racialized punishment directed at enslaved and colonized Indigenous peoples. The technologies and practices of both slavery and continuing Indigenous dispossession, we argue, stage a return in these practices of immigration detention.

Extractive Economies, Microaggressions, and Intimate State Violence

In their influential discussion of the prison as a border, Angela Davis and Gina Dent situate the prison as ‘a contingent historical institution that not only prefigures

globalization but allows us to think today about the intersections of punishment, gender, and race, within and beyond the borders of the United States' (2001: 1236). They mark, in particular, how shared histories of the prison as a colonial institution have in turn enabled the rapid adoption of contemporary models of the US prison–industrial complex by states as seemingly remote as Australia: 'how stunned we were when we learned a company headquartered in Nashville, Tennessee (the Corrections Corporation of America) owns and operates the largest women's prison in Australia' (2001: 1237). A decade and a half later, Australia not only follows the US model in outsourcing immigration detention to multinational private companies, but engages in a further level of outsourcing by contracting two of its neighbouring states, its former colonial protectorates of PNG and Nauru, to act as the operators of its offshore immigration prisons. The arrangement is secured at an exorbitant cost: a 2016 report by Save the Children and UNICEF estimates the cost at AU\$1,500,000 per day for each incarcerated adult and child. It is intended to ensure, in line with Operation Sovereign Borders, that no person seeking asylum by boat will 'ever set foot on Australian soil', even if she or he is determined to be a refugee under the terms of the Refugee Convention to which Australia is a signatory. The impoverished client governments of Nauru and PNG provide land for the camps, which are operated for profit by a shifting cast of multinational private companies including Wilson Security, Serco, Transfield and Broadspectrum, on behalf of the Australian state. IHMS, the same company employed by the US military to provide health services in Iraq and Afghanistan, is responsible for healthcare for the inmates of offshore immigration detention camps. Despite the nominal responsibility of the Nauru and PNG governments for these sites, all major decisions regarding the camps are referred to the Australian Department of Immigration and Border Protection (DIBP). The neocolonial nature of this arrangement is emphasized by the fact that Australian citizens are employed in all the managerial and supervisory roles throughout the camps, with quotas of local PNG and Nauru staff contracted for the menial roles of cleaners and guards.

There are inextricable ties between the state and its entrepreneurial operatives, informed by the logic of a virulent neo-liberalism that ensures both the outsourcing of state functions and facilities for private profit *and* the violent commodification of detainees' bodies as captive sites from which to extract exploitative and voyeuristic pleasures. The latter is encapsulated in an anecdote in the Moss Report (DIBP, 2014) into the Australian offshore detention camp on Nauru, where women detainees recount being asked to strip and pose naked for guards in order to access the most basic of quotidian commodities (such as soap) and practices (a hot shower for their children).

Two US reports, *Detained and at Risk: Sexual Abuse and Harassment in United States Immigration Detention* (Human Rights Watch, 2010) and *In the Shadows: Sexual Violence in US Detention Facilities* (Stop Prisoner Rape, 2006), document cases of sexual assault of detainees that parallel what is unfolding in the Australian immigration detention prisons. The documented cases include 'observing females showering in the nude, and smuggling drugs and "contraband" food' (Rentz, 2011). Women detained in an ICE prison in southern Texas have alleged that

workers there have sexually abused them, including removing them from their cells at night for sex as well as fondling them in front of others . . . Some guards or other workers at the Karnes County Residential Center also asked for favors of female detainees in exchange for money or promises of assistance. (Kuo and Hanna, 2014)

The use of sex as currency between immigration detainees and guards is amply documented both in the United States and Australia. The Moss Report further reveals how detainees are forced into addiction as part of this destructive process of sexual exploitation in the Nauru camp. A detainee reported:

Because they are suffering great depression here, and they feel relieved when they smoke the marijuana. The officers have made them addicted for their own reasons . . . Because the women do not get paid here . . . they only have to offer sexual – fulfill the requests of the men. (DIBP, 2014: 33)

Inmates of the Australian camps on both Nauru and Manus Island have testified through various means to the various exploitative economies that operate in the industrial complex of immigration detention. In a cartoon titled ‘The Gift’ (2014), for example, the artist Eaten Fish, an inmate, visually maps the circuits of sex, food, phonecards, cigarettes and other such commodities that make up the underground economy calculated to prey on the weakest and most vulnerable in the Manus Island detention camp. As the central figure, Ali, makes his daily round of the camp, trying to obtain a phonecard to ring home on Mother’s Day, the words ‘no chance, no change’ are repeated again and again. The drawing ends with an unambiguous appeal, in large letters: *Help Me*.

Similarly, the imprisoned writer Behrouz Boochani presents an astute analysis of the destructive underground economy of cigarettes and phonecards in the Manus Island camp, detailing how, ‘in order to force refugees to live in PNG, the authorities make them reliant upon other prisoners’ by instituting a system of underground trade:

Shopping points, cigarettes and drugs, legal and illegal, all become a part of this larger plan: the deprived prisoners, those who cannot buy cigarettes and telephone cards, have sold their shoes, clothes, dictionaries, MP3 s, and other useful possessions to the rest who still have cigarettes.

Boochani adds that ‘Sexual abuse incidents and slavery cases have also been heard of’ among the all-male inmates on Manus as a consequence of this system that creates division and violence and demoralizes the prisoners while also increasing the profits for the camp operator, Broadspectrum, which profits from the sale of cigarettes:

A few meters away, at Foxtrot compound, a young man is collecting the cigarette butts spread over the mass of soil next to the dirty toilets of the prison, in order to roll them in paper and suck in the smoke. He is also addicted to marijuana and does not have any cigarettes to smoke. There are many like this vanquished and addicted man in the quadrangle of Manus prisons. (Boochani, 2016)

We understand the exploitative and destructive economies in which these inmates are enmeshed as instances of what Joy James identifies as the ‘other penalties’ to which prisoners in US jails are subject. James points out that while executions and state killings, the ‘raw expression of state violence, are macroaggressions against life and community’, a more ‘intimate state violence’ is performed by microaggressions, ‘the invasive incarceration practices that ravage the person without immediately killing his or her body’ (2015: vii). James terms these invasive practices the ‘other penalties’ (i.e. other than execution) of the US prison–industrial complex:

‘Other penalties’ is a synonym for trauma: ‘medical handcuffs’ and drug stupors; captivity in mental and emotional wastelands; sterilization; vulnerability to (gang) rape while institutionalized; solitary confinement’s evisceration of the soul and neurological stability. (p. vii)

Report after report on the Australian offshore camps documents the extent of inmates’ exposure to the forms of intimate state violence that James itemizes, invasive ‘other penalties’ that ravage the body, mind and soul (Amnesty International and Human Rights Watch, 2016; Commonwealth of Australia, 2015; DIBP, 2014; Human Rights Commission, 2015). The threat of rape and sexual violence is pervasive – whether at the hands of other inmates, of Australian and local guards or of ordinary PNG and Nauru citizens when inmates are released into a mockery of indefinite ‘settlement’ in local communities who have made it plain that they view the refugees’ presence as an intrusion forced on them by Australia (Perera and Pugliese, 2015). In the context of the Manus camp, inmates have documented the existence of the ‘notorious P Block, known as the “rape dungeon,” where vulnerable detainees were forcibly taken to be violently sexually assaulted’ (Doherty et al., 2017). For women prisoners on Nauru, whether within the confines of the camp, or after their ‘release’ into the community, the fear of sexual assault determines even the most mundane of activities: women tell of resorting to sleeping in their jeans to deter potential rapists, while other women and children are forced to ‘wet their beds, wear pads or squat outside their tents to avoid the risk of violence associated with making a trip to the toilet’ at night (Harvey, 2016).

It is indisputable that the threat of sexual violence forms part of the repertoire of ‘deterrence’ and punishment of Australian immigration detention. In the words of Michael Bochenek, senior counsel on children’s rights at Human Rights Watch, ‘Driving adult and even child refugees to the breaking point with sustained abuse appears to be one of Australia’s aims on Nauru’ (Amnesty International and Human Rights Watch, 2016). Complaints are often met with the response that refugees are always free to return to their own country. Refugees fleeing sexual terror at home have not failed to point out the bitter irony that they face a continuity of the very violence they tried to flee. A refugee named Mina told the writer Saba Vasefi:

I escaped alone from Iran, from all the torture and humiliation, to seek asylum in Australia. I was yearning for justice in a country which claims to uphold women’s rights, but all I experienced was trepidation and panic . . . Security guards are huge men supposed to protect us, however they torture us and behave like we are their slaves. Last week one of them

stared at me and held his penis and pretended he was having sex with me. I asked another officer to look at the footage and see how the guard had harassed me, but he claimed they don't keep camera recordings. (Vasefi, 2016)

Similarly, LGBTQI refugees who have fled homophobic persecution and violence in their countries of origin often find themselves, in the context of the detention prisons, exposed to the very violence and abuse that they desperately attempted to escape. Seuffert (2015: 57) documents 'their particular vulnerabilities fleeing persecution on the basis of sexual orientation, in detention camps, and in the process of applying for refugee status' and analyses a range of cases of homophobic harassment and sexual assault within Australia's domestic and offshore immigration prisons.

Perhaps the most disturbing instances of the 'other penalties' of intimate state violence in offshore camps relate to instances of women who become pregnant as a result of rape and the enmeshment of their bodies in the unrelenting performance and spectacle of 'border protection'. One such case is that of 'Abyan', a 23-year-old Somali woman who became pregnant following rape. Abyan was authorized to come to Australia for an abortion after her plight was publicized by advocates, but was summarily removed by ministerial order on the grounds that she had delayed in making up her mind, before she could access appropriate interpreting and counselling prior to the procedure (Tranter, 2016). An even more harrowing case is that of a second young African refugee, known only as S99, who was raped while she was in the throes of an epileptic seizure. When it was discovered that S99 was pregnant, her requests to be brought to Australia for treatment were denied, on the grounds that she might seek to remain in Australia. Instead, Australian authorities dispatched her to PNG to seek an abortion, although the procedure is not legal in that country. During an appeal on her behalf heard by the Australian Federal Court, counsel representing the DIBP denied any responsibility for S99, although she was a recognized refugee who had originally arrived in Australia by boat before being sent into immigration imprisonment on Nauru. Found to be a refugee, but banned from ever setting foot on Australian soil, S99 was 'settled' to live out her life in the unsafe conditions of Nauru.

Stephen Donaghue, QC, representing the Department of Immigration and Border Control and the Commonwealth of Australia, told the Federal Court that Australia could not be considered responsible for the woman's care.

This plaintiff was found to be a refugee in Nauru about 18 months ago; she hasn't been detained ever since then, she's been living in the Nauruan community . . . Mr Donaghue said.

She's not in any way, in our submission, under the control of the Commonwealth in the way that an immigration detainee traditionally should be. (Hall, 2016)

The Court, however, ruled against the Department, affirming that Australia bore a duty of care to the woman, and that the attempt by the Australian minister to procure an abortion for her in PNG was neither safe nor legal (Ross, 2016; Tranter, 2016).

Even as the Ministry of Immigration and Border Protection repeatedly deflects questions regarding sexual assault in offshore detention centres, as in the cases above, by

insisting that these assaults occur within the jurisdiction of the PNG or Nauru governments, a recent case in which Australian nationals were summarily removed from PNG jurisdiction instantiates the manipulative manner in which doctrines of accountability and national sovereignty are exercised and obfuscated within an overriding neocolonial relationship between Australia and the region. At the same time, these recent incidents illustrate the tensions endemic to the border site where complex racial and social hierarchies operate among mainly South Asian, African and Middle Eastern detainees, local PNG and Nauruan communities who must host the camps on their land and Australian and local employees in the camps. In October 2015, three male Australian citizens working for a private service provider at the camp were apprehended by local PNG police along with a PNG woman, also an employee at the camp. All four were naked and intoxicated (Cochrane and Manuai, 2015; Om, 2016). The following day the woman made allegations of being given unidentified pills before being subjected to indecent exposure, sexual assault and rape by the Australian men. Before local police could investigate, however, the three Australians were flown out of PNG by their employer and returned to Australia.

This incident at the border reveals the colonial and neocolonial relations of sovereignty and gendered and racialized hierarchies of power among inmates, locals and Australian overlords: Wilson Security's employees, as Australian citizens, enjoyed the impunity accorded to an occupying force in their relationship to local PNG citizens, and were able to be airlifted out of the local jurisdiction, with the camp operator and Australian state working in tandem to override PNG sovereignty. Although the PNG police have called repeatedly for the Australians to be extradited to face court, their requests have not been met, and a deadline set by the Manus Island police chief for their return was simply ignored. A 68-page report into the incident conducted by the Australian Border Force authorities has had almost every page redacted (Om, 2016).

Border Violence and the Lens of Slavery

Inscribing such practices of the sexual commodification and assault on detainees and locals is a long and traumatic history of the colonial state's abuse and exploitation of Indigenous women (in camps, welfare institutions and the domestic settings where they were compelled to perform unpaid labour) and children (in welfare institutions, as documented in the *Bringing Them Home* report on the Stolen Generations). As Eileen Baldry, Bree Carlton and Chris Cunneen write, the incarceration and institutionalization of Indigenous women 'viewed through the lens of slavery and colonialism in the unique context of the United States, provides a useful model for understanding the historical evolution of racialized regulation and punishment in Australia' (2015: 175) as well.

In attempting to explain the imbrication of colonialism with sexual violence, we are not convinced by psychosexual theories that reductively locate the sources of this violence in singular subjects and their attendant pathologies. Rather, we map how this violence is foundationally sourced and reproduced within colonial relations of power that are working hand in hand with neo-liberal market forces in the context of immigration detention in these two states. We situate these practices in the context of a

number of recent theorizations of slaving and the continuities of practices of slavery in the United States.

In a stirring piece on slavery's afterlife, Stephen Dillon identifies the structures, artefacts and technologies of contemporary punishment and imprisonment – such as manacles, shackles, bars, coffles, the holding pen, the barracoon – as forms in which slavery leaves its marks in the present. As Dillon puts it, a 'necropolitics of slavery haunt the biopolitics of neoliberalism' and its landscape of incarceration and impoverishment of racialized populations; indeed, the logics and technologies of slavery, 'not only haunt but possess the present' (Dillon, 2012: 115). Dillon's argument might be extended from the prisons of settler colonies in North America to globalized economies, with their complex relation to illegalized passages and the traffic of peoples; the drag and pull of cheap labour and human capital to the fringes of the global north, their imbrication in global orders of value and waste, war and peace, living and dying. In the technologies of transport, trade, exchange, warehousing, corralling, enclosing, detaining, punishing and killing that make up today's illegalized passages, slavery's pasts seem to be reflected and refracted back in scattered and uneven ways.

As this suggests, we do not understand slavery here as a homogenous formation. Rather, drawing on continuities pinpointed by scholars such as Angela Davis, Jared Sexton, Hortense Spillers, Saidiya Hartman, and many others, we are suggesting the ways in which formations of labour, capital, race and violence reconstitute themselves in the colonial present through technologies of subjugation, incarceration and punishment. In a striking essay that begins with the carceral production of his office desk at California State University, Brady Heiner traces the 'social sedimentations' of US slavery that are reactivated in 'the policy, practice, and discourse of mass incarceration' (2015: 14). These 'sedimentations' operate across both domestic and immigration incarceration regimes. According to a report by Carl Takei, an attorney with the ACLU Prison Project, to name one example, 'The [US] government, which forbids everyone else from hiring people without documents, has effectively become the biggest employer of undocumented migrants in the country' (Starr, 2015). In centres operated by the GEO Group, which operates roughly half the centres in the United States, detainees are employed at the inhuman rates of '\$1 day or roughly 13 cents an hour', in Jacqueline Stevens' words, they 'do everything except guarding the people who work there' (Starr, 2015).

As Baldry et al. (2015: 183, original italics) put it, 'colonialism (and neocolonialism)' appear 'as a sociopolitical system that in effect comprises a *prison*. This *colonial carceral landscape* provides a unique context for understanding the historical and contemporary administration of punishment within the Australian criminal justice system'. We would argue in fact that this colonial carceral landscape, while bearing distinctive Australian characteristics, also constitutes a larger transnational template that can also be seen to be operative across a number of settler-colonial states rooted in the British Empire, including the United States.

Working hand in hand, these combined economic and racialized sedimentations hail into being subjects whose very frames of intelligibility and operationality are always already extra-individual and premised on those of the settler-colonial state. It is from these extra-individual and statist premises that all else flows into those individuated tributaries and embodied sites that we call upon to evidence our comparative analysis.



Figure 1. From the project *Political Acts* in which inmates of Australian offshore detention camps redefined themselves as Political Prisoners rather than the ‘illegal arrivals’ of the government’s terminology. Source: <http://rapbs.org/index.php/political-acts-gallery/>.

In other words, we argue that, in the context of immigration detention prisons, particularized case histories of subjugating violence and sexual assault can only be made sense of against the structural and institutionalized forces that insistently demand and reproduce various forms of violence, sexual or otherwise, precisely as *normative* outcomes. It is, indeed, their very structural and institutional normativity that guarantees impunity for the individual subjects (guards, security officers, bureaucrats and so on) who exercise violence on their captive targets in the harrowed spaces of immigration detention prisons.

Conclusion: Political Prisoners

In the closing section of her last, posthumously published essay, Pether turns her focus to the scandalous over-representation of African-American prisoners within the US prison–industrial complex. Working as an educator within these prisons, Pether (2015: 519) saw firsthand the penal warehousing on a massive scale of people of colour by the state, and insistently slated home responsibility for this scandal to ‘a constitutional system characterized by hierarchy and a national imaginary “defective from the start” in its highly ambivalent commitment to equality’. Drawing on Christopher Tomlin’s work, Pether (2015: 519) names the constitutional relations of force and violence that continue to maintain the viability of the settler-colonial state as founded on regimes of ‘coerced unfreedom’.

The *constitutionally* enabled practices of coerced unfreedom, we contend, incisively articulate slavery’s contemporary afterlife. The practices of coerced unfreedom evidence contemporary manifestations of biopolitical regimes of slaving that, while they cannot be read as forms of slavery, reproduce so many of its key attributes. It is regimes of coerced unfreedom that continue to govern, subjugate and kill diverse racialized populations – Aboriginal and Native Americans, asylum seekers and refugees, African Americans. The legislated practices of coerced unfreedom, indeed, are what continue to legitimate and enable the violence endemic to the colonial carceral landscape across its transnational incarnations.

The coerced unfreedom and the repertoire of microaggressions that inscribe the bodies of refugees and asylum seekers indefinitely detained in Australia’s offshore immigration prisons produce ravaged bodies caught in ‘mental and emotional

wastelands' (James, 2015: vii). Yet it was from the depths of these carceral wastelands that refugees and asylum seekers mobilized, in a recent campaign by Researchers Against Pacific Black Sites, the most intimate of all materials in order to voice their protest at the regimes of intimate state violence they are compelled daily to endure: their flesh (see Figure 1). Drawing on their flesh, in both senses of the term, as the inscriptive surface of documentation and as an embodied site by which to speak back to the intimate violence of the state, the detainees duly resignified their status as designated by the operatives of the state: not as 'illegal arrivals' but as *political prisoners* held captive in offshore prisons.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: The research for this article was partly funded by a grant from the Australian Research Council for the project 'Deathscapes: Mapping Race and Violence in Settler States'.

Note

1. This 3-year research project is funded by the Australian Research Council. The other research partners are Barry Lavalley (University of Manitoba), Marianne Franklin (Goldsmiths College, London) and Jonathan Xavier Inda (University of Illinois at Urbana–Champaign).

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