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Uncivil Encroachment – A Political Response to Marginality in Jamaica

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Abstract

This paper employs Asef Bayat's (1997) theory of the 'quiet encroachment' of the 'informal people' in the Middle East to questions of civility and governance in urban Jamaica. My main thesis is that while the encroachment of the economically dispossessed represent rational ways to survive hardships and improve their lives, the alliance of some with 'uncivil actors' (community dons) flies in the face of civility and civic engagement, engendering destructive, criminal behaviour, which undermines the state's capacity to regulate the space and uphold the rule of law. I also acknowledge the legitimacy of the mobilization of 'the marginalized' as a useful aspect of civil society but maintain that operating vicariously, they exert burden on social stability and public order.

Introduction

The practices of illegal squatting, vending, 'hustling', panhandling and other subsistence activities form a principal economic motif of many urban centres across the Third World. Due to the "marginalization of poor countries from the bounty of the world economy" (UNDP, 2000, 82), including increasing income inequalities and a rapid decline in exports and foreign direct investments, it is estimated that 70 percent of people in developing countries live in abject poverty and approximately one billion are engaged in a desperate daily struggle to survive (World Bank, 2003). Unmitigated economic disasters since the 1980s caused by development experiments such as structural adjustment and economic liberalization have led to failure by many Third World governments to boost their economies, improve standards of living and offer their poor any kind of meaningful life. Disease, poor housing, lack of water supply, electricity and poor sanitation thus characterize the living conditions of urban slums from India, Bolivia and Mexico to Lagos, Rio de Janeiro and Cairo (World Bank 2000/2001; UNDP 2003). High unemployment compounds the destitution, driving the poor to seek creative ways to eke out an existence.

In examining the survival strategies and resistance routines of the "informal people" in parts of the Middle East, Asef Bayat (1997; 2000a) was struck by the manner in which a new and more autonomous way of living, functioning and organizing the community was in the making. Using metropolitan Iran as a frame of reference, he argues that the urban poor have become a collective force by virtue of their way of life, which engenders common interests and the need to defend those interests. He coined the term "quiet encroachment" to describe this way of life as "a silent, patient, protracted and pervasive advancement of ordinary people on the propertied and powerful in an effort to survive hardships and better their lives" (Bayat, 1997, 57). While he explores the 'political significance' of seemingly mundane but creative activities carried out by ordinary people to make a living – 'capturing' land, building makeshift shelters and sometimes permanent homes, stealing electricity, putting up stalls and kiosks, driving handcarts and turning sidewalk pavements into shopping plazas - Bayat pays scant attention to the 'urban disorder' occasioned by such practices. He charges, however, scholars of civil society with reductionism for ignoring and scorning the growth and effects of these uninstitutionalised and hybrid social activities (Bayat, 1997). This article takes issue with Bayat's argument. It seeks to enlarge our understanding of the encroachment of the "ordinary people" by examining the impact of these "modes of struggle and expression" (Bayat, 1997, 55) on civility, civic engagement and democratic governance in the context of Jamaica. Using the reportage of violent protests and illegal activities by the popular

press in Jamaica and empirical investigation (including interviews and focus groups), this article illuminates a central theme: the prevailing theoretical accounts of civil society, including that by Bayat, have lost touch with the problems of incivility within civil spheres.

Given the dearth of empirical work and academic analyses on contemporary protest activity in Jamaica, this paper relies heavily on the news media as a methodological source for information, facts, reports and everyday narratives on popular protests and illegal activities. In addition, I draw on my interviews with members of Jamaica's civil society such as human rights groups, the religious/church community, media; police officers, self-employed subsistence workers (taxi-drivers and street vendors); entertainers, young professionals and students. I conducted and tape-recorded a total of 30 semi-structured, in-depth interviews, including focus groups, which I transcribed to inform the analysis offered in this paper. Interviewees have been guaranteed anonymity and hence are referred to in the article by numbers P1, P2 etc.

Of the “civil” in “Civil Society”?

Civil society, despite its myriad construal, grounded on growing disagreement over its exact meaning, is generally understood as the (public) space between the market (the non-state, privately controlled or voluntarily organized realm) and the state (military, policing, legal, administrative, productive and cultural organs) (Keane, 1988). This Tocquevillean conception of civil society perceives this “public space” as an “associational realm”. Here, citizens can freely organize themselves into groups and associations at various levels in order to make the formal bodies of the state adopt policies consonant with their perceived interests within a framework of law guaranteed by the state (Pietrzyk, 2001). Under this umbrella of “associationalism” lies a vast collection of community and professional organizations hinting at “voluntarism, charity, community organizing, grassroots activity, advocacy groups, representation, citizen engagement and service delivery” (Swift, 1999, 5). Beyond these “formal” assemblages, this public space also includes “networks and relationships which may or may not crystallize into groups but which nevertheless connect individuals together in some non-coercive reciprocally purposive manner” (Munroe, 1999, 78).

This expanded definition is compelling as it effectively captures all forms of social interactions and takes into account the informal networks and so-called ‘modes of struggle and expression’, which are deeply embedded in the local community. This sociological variant of civil society affirms the self-organization of society, rejects the state-dependency of citizens and treats civil society as an activity in its own right, not reducible to the economic structure (Pietrzyk, 2001). However, I must post a caveat. Given that it comprises such an immense range and diversity of social forces and interactions, this public space termed civil society inherently calls itself into question. If by definition, civil society incorporates a miscellany of groupings, then unequivocally it also includes “fascists, terrorists, racketeers, criminal elements as well as individuals and groups committed to democracy and the much fancied neighbourhood organizations” (Trivedy and Acharya (1996) quoted in Swift, 1999, 6). In other words, despite its commitment to the democracy project and the common good, we cannot presuppose that civil society is “an unalloyed force for Good” (Swift, 1999, 16). Clearly, an overly broad definition of civil society is problematic.

Hence, it is critical to retain an emphasis on the legality of its actions for a group to be deemed to function within civil society. I borrow from Phillippe Schmitter's interpretation of civil society as a set or system of self-organized intermediary groups that are (1) relatively independent of public authorities and private units of production such as firms and families (2) capable of deliberating about and taking collective actions in defence/promotion of their interests or passions but [as a matter of course] (3) **do not “seek to replace state agents or private (re)producers or to accept responsibility for the polity as a whole and (4) do agree to act within pre-established rules of a “civil” or legal nature”** (Schmitter quoted in Whitehead, 1997, 101, emphasis added).

In other words, Schmitter's civil society appears to rest on conditions and norms of autonomy, collective action, non-usurpation and civility. In the Third World context, the character and practices of the marginalized and deinstitutionalized groups within the civil sphere such as the unemployed, casual labourers, street subsistence workers, street children and squatters are theoretically

presented within the context of a culture of poverty, survival and resistance. Together these theories detail the enabling “non-political” strategies undertaken by informals to create a meaningful life (Scott, 1990; 1985; Bayat, 2000a). However, ignored in Bayat’s analysis but present among these disenfranchised and socially excluded groups are community “dons” and criminal gangs. Already operating within the informal sphere in many Third World cities, these groups often participate in large -scale illegal activities including drug trafficking, robberies and murders. Can they belong in a construction/interpretation of civil society that demands a more intimate examination of the cultural attitudes of civility and tolerance which are an indispensable part of its civic and political culture (Hall, 1995; Barber 1998)? This article demonstrates why a focus on legal activities as per Schmitter’s definition is essential. In other words, given new political realities, social scientists are now obliged to re-construct, re-interpret and re-present “civil” society to accurately reflect the complexities of this sphere and informal relations in developing countries. I will attempt to extract post -colonial Jamaica from the Third World in order to expose the unique features of this country’s political culture.

To render any social grouping “uncivil” demands an appraisal of its values, norms, social capital and patterns of civic engagement (Putnam, 1995). “Values are general guidelines which define what is important, worthwhile and worth striving for” and “norms set rules of behaviour designed to express a commitment to a society’s underlying values” (Stone, 1992, 1). The activities of many of Jamaica’s “informal people” are highlighted as “skirt[ing] the boundaries of civil and lawful behaviour” (Munroe, 1999, 79). In the case of criminal gangs and community dons, it descends into full-fledged criminality. Given that they are a collective, albeit mostly an uninstitutionalized force, engendering common interests, values and political attitudes through which their behaviour is conditioned, it is necessary to scrutinize their practices and politics as an aspect of the “uncivillness” of the civil sphere.

Dons – The “Presidents” of Garrisons.

In Jamaica, “community dons” (also known as “area leaders”) refer to prominent citizens within the informal sphere, with controlling and often menacing authority in inner city areas, many of which are labeled “garrisons”. To grasp fully the notion of “community donmanship” in Jamaica’s highly charged socio-political environment, one must first come to grips with the whole garrison phenomenon within the context of the larger political culture of the country. In its most extreme form, a garrison is a “totalitarian social space”, “a political stronghold”, a veritable fortress in which the lives of those who live within its boundaries are effectively controlled (Figueroa, 1996, 5). Garrison communities had their fateful beginning in the 1940s when Jamaica’s two principal political parties, the Jamaica Labour Party (JLP) and the People’s National Party (PNP) “recruited ruffians, worthies and other notables from the ghetto as partisans for their cause” (Gray, 2003, 13). Officially acknowledged only some forty years later, after the volatile 1980 general elections, a year in which over 800 people were killed, these rigidly defined zones were crucial in the drive by politicians assigned to these belts to win elections and guarantee the continued electoral loyalty of voters. State sponsored largesse such as housing solutions (complete or semi-completed units) was the irresistible offer to inner city residents as barter for their electoral/political support.

This vote-seeking/vote getting patron clientelist device is an ingrained aspect of Jamaica’s political culture, continually driven by the systematic and strategic dispersal of state resources (money, contracts, land and jobs) in a discriminatory and politically partisan fashion within the inner city (Stone, 1980; Figueroa, 1996). This tactic is usually employed by the Member of Parliament to augment his or her party’s support base and mass appeal. It is a sort of rational choice where he or she tries to keep the party supporters faithful and/or entice rival supporters to switch allegiances (Stone, 1980; Charles, 2002). The MP does this by maintaining community support through the activities of the community don who in turn secures for himself legitimacy, prestige, status, wealth and protection from the police (Stone, 1980; National Committee on Political Tribalism, 1997; P1, Interview). Granted access to state power, social recognition and financial power, these political henchmen heightened their hegemony throughout the 1990s. With control over small militias and large criminal organizations, they assumed “protectorship” over their respective communities/areas, particularly from rival gangs or militias with allegiance to opposition parties (Charles, 2002) and

assumed responsibility for distributing patronage (tuition fees, food, and clothing) to inner city residents.

It must be understood that this political transaction is inherently prejudiced as conditions of squalor, unemployment and profound material deprivation usually characterize garrison communities thus intensifying the needs of the grassroots population for jobs, protection, economic security and social power. An acute awareness that patronage benefits are their most certain and sometimes singular pecuniary lifeline forces garrison dwellers to become exclusively dependent on political "handouts" and hence fiercely loyal to either of the two main political parties (Stone, 1980; Edi, 1991; Witter, 1992).

Political factionalism was the instant consequence of this cliente list practice. The dons who form the core of political leadership and organization at the community level sought to prop up the support base of their respective parties (JLP or PNP) by enforcing "territorial and political allegiance" on those domiciled within these militarized political fortresses. In the name of state power, the dons employed intimidation and electoral fraud to reinforce or get access to state patronage, unseat an opponent, (Witter, 1996) and create communities and constituencies that are "essentially homogenous in their overt political behaviour" (Figueroa, 1996, 10). This sort of machine politics was to usher in "a new quality of political violence and an entirely new character to political contestation in many urban areas" (Figueroa, 1996, 25).

A contracted Jamaican State after 1980, under the IMF/World Bank- imposed structural adjustment policy and the onset of full economic liberalization in the 1990s, quickly dried up the funds driving political patronage (Charles, 2002). At the same time, the rapid transformations taking place in the labour market during this period led to a severe decline in formal employment, which in turn triggered an aggressive mushrooming of the "informal economy" (often referred to as the "hustle" economy). Whereas the informal economy has had the beneficial effects of helping the poor to make ends meet and frequently even smoothed operations in the formal sector, it also lent itself to illegal activities - drug deals, large scale fraud, money-laundering and black market foreign exchange trading (Witter, 1989; Le Franc, 1994). This coalescing of circumstances created room for area leaders to consolidate their fortune and influence within Jamaica's informal sphere. They accumulated significant wealth – becoming multi-millionaires from the international narcotics trade, the trafficking of guns, extortion, burglaries, money laundering, fraud and other illegal activities (*The Sunday Herald*, 2002). As ghettoized power elites, the dons still maintain a strong loyalty to their political parties from whom construction and other contracts continue to be procured but have become less beholden to politicians. Today, their "welfarism" throughout the Jamaican ghettos is scarcely filtered from political patronage but increasingly recycled from the proceeds of criminal activity (Stone, 1980; National Committee on Political Tribalism, 1997; Charles 2002). Their dominance inside communities, the fear they engender across the entire civil sphere in urban Jamaica and the manner in which they use their overarching power to manipulate and "buy" the alliance of many of Jamaica's "informal people" are crucial to discussions of uncivil encroachment in the Jamaican context.

Conceptualising "encroachment" in Jamaica

The types of struggles undertaken by Bayat's informal people ("people on the margins") are not presented as "conscious political acts [but] rather they are driven by the force of necessity – the necessity to "survive" and "live a dignified life" (1997, 57-58; 2000a, 547-549). The prevailing actors portrayed in the quiet encroachment movement thus tend to include a variety of social clusters such as migrants, refugees, the unemployed, squatters and street vendors. Rural migrants encroach on cities and their amenities, squatters on public and private lands, and street vendors on opportunity costs and on public space such as street pavements, intersections, public parks and literally on the streets. Although "necessity is the notion that justifies their often unlawful acts and moral and even "natural" ways to maintain a life with dignity" (Bayat, 2000a, 547), the concern in the Jamaican context is as much about the encroachment of members of the urban poor as it is with criminal gangs and community dons who effectively launch "occupations" on the inner city communities of urban Jamaica.

Although they operate within the same informal economic and political space, the “permanently unemployed” urban poor comprise a diversity of groups:

(1) An expanding self-employed group which includes small -scale entrepreneurs and medium-scale vendors (who may engage in small scale tax evasion and bribery), (2) petty traders such as handcart men, taxi- drivers, small vendors selling miscellaneous items, (3) a low wage sector of the mostly unskilled - household helpers, street cleaners, garbage collectors, office assistants, and (4) the so- called *sufferahs* (sufferers) - hustlers, panhandlers, squatters, robbers. This precise differentiation is often blurred in scholarship, as “people on the margins” tend to occupy overlapping roles according to need. However, this last group - forming part of Jamaica’s lumpenproletariat lives by illegal activities and by siphoning resources from the state and the petty commodity sector of the national economy (Stone, 1980; Gray, 2003). Unlike organized workers or students, these networks of informal people represent “groups in flux and structurally operate largely outside institutional mechanisms [factories, schools and associations] through which they can express grievance and enforce demands” (Bayat, 2000a, 548; Bayat, 1997). This attention to the lack of institutional capacities signifies a deficit by “people on the margins” of *bargaining capacity* [my emphasis]. In other words, they lack the organizational power of “disruption” such as the power to go on strike or the withdrawal of some crucial contribution on which others depend, a natural resource for exerting power on others (Piven and Cloward, 1979).

This conceptualization of informal groups by Bayat, while instructive, appears to render groupings, which fall outside “official” or “formal” collectivities as fluid and powerless. Specifically, it ignores the presence of influential groups such as the community dons and criminal gangs, a notable part of the informal space in many developing societies. In Jamaica, the marginalised encroach in ways that allows them to survive. A contingent of this group, in strategic alliance with community dons, also participate in hostile street protests and riots and engage in illegal activities as a means of negotiating for and accessing power in counter point to the state. It is these alternative sources of power, which translate into what I call “bargaining rights” – Bayat’s “power of disruption”. With close to 300 demonstrations being staged annually (Statistics Department, Jamaica Constabulary Force), protests have become the most popular and most utilized expression of general discontent in Jamaica. The frequency of protest action and the state’s mostly “positive” response to it have also led to its increased currency and legitimacy for all social classes (P2, Interview). Indeed, the impact of this newly acquired negotiating tool in the armory of the Jamaican community dons makes the quest by the poor to “survive”, “live a dignified life” and secure social honour a much more complex phenomenon than outlined by Bayat regarding the case of the cities of the Third World.

The Nature of Encroachment in Jamaica

A culture of informality, networking and hustling within the general milieu of “subsistence” is both occasioned and supported in the Caribbean and is recognized as forming important elements in the survival strategies of the urban poor particularly in Jamaica. Economic transformations due to structural adjustment and economic liberalization in the 1980s and 90s impinged on the structure of opportunities available to Kingston’s urban poor, leaving most economically vulnerable.

The social hardship of this period forced many Jamaicans into an alternative mode of life requiring them either to “change jobs, places and priorities” (Bayat, 1997, 58) or to seek imaginative ways to stay economically buoyant. Cost cutting was the strategy of the more privileged social classes with individuals reducing expenditure on “luxuries”, basic food items, foregoing personal development, postponing capital investment and carving out new spaces in a growing informal sector (Le Franc, 1994). Others opted for migration and although Kingston’s population later declined as people moved into the greater metropolitan regions of Portmore in the parish of St. Catherine, the social conditions brought many citizens face to face with the harsh reality that Kingston could offer little hope for employment. Individual action to eke out an existence hence became a priority. The ensuing low wage and self-employed sectors, attempted over time, to improve their economic and social circumstances by working hard, joining political parties and committing themselves to traditional norms. These spheres are acknowledged as having retained “the strongest faith in the social system” (Gray, 2003, 11). However, ultimately in search of the *redistribution of social goods*,

“the permanently unemployed and those groups engaged in small-scale self-employment and petty trading” have resorted to “the unlawful and direct acquisition of collective consumption” (Bayat, 1997, 57-60). They have secured land and shelter by “capturing” what have become present day squatter settlements of Riverton City, Calaloo Bed and Mona Commons in Kingston and Railway Lane and Karachi Lands in Spanish Town and Montego Bay. They access electricity and piped water by making illegal connections from the Jamaica Public Service Company (80 percent now divested to the United States- based Mirant Corporation) and the state-owned National Water Commission. Favourable business conditions/ locations (public vending spaces) for many of Kingston’s urban poor are the street pavements, intersections and bus stops of Princess, Pechon, Beckford and Orange streets in the commercial district. Many of these streets are currently impassable to emergency vehicles, delivery trucks of “legitimate” business operators, and pedestrians/shoppers as tarpaulin ceilings, illegal electrical connections and vending choke the roadways.

Encroachment in Jamaica is troubling because among some contingents of the urban poor, a commitment to traditional norms and values is either absent or feeble at best. In a persuasive discussion, Gray (2003) constructs a phenotype of the Jamaican lumpenproletariat. He locates this group within an urban subculture, which is marked by a powerful sense of racial and class deprivation.

Survival is their prerogative and so there is no shame in resorting to crime and numerous forms of illegality (robberies, small-scale drug smuggling, extortion, prostitution, trade in contraband goods and, depending on their level of influence, sophisticated levels of narcotics trafficking and money laundering) (Gray, 2003, 12; P3, Interview). This is not to say that informal relations based on trust and value consensus cannot and do not act as a significant factor in maintaining social stability. However, as the informal sector consolidates itself in the Third World and the negative norms they give birth to magnify and become concentrated, the authority of the state becomes more or less openly evaded and challenged, making obvious its incapacity to enforce the rule of law. In the case of Jamaica, community dons within the context of garrison communities encroach on the informal sphere in a way that secures for them sociocultural, political and economic power while becoming an anathema to “civil” society.

Community “dons” - Kingston’s Unruly Encroachers

To understand the nature and level of the encroachment of community dons upon the Jamaican community and society requires a theoretical grasp of the influence of what is termed lesser/ non-state authorities on higher legitimate state authorities. Lesser authorities either sustain and bolster the authority of the state by participating in the social ordering of the society or contest or supplant the authority of the state by installing their own power structure. It is the apparent “disagreement” over the boundaries of authority between lesser and higher “legitimate” authorities, likened to an “armed truce” in war times, which underscores the wary co-existence between community dons and the Jamaican State and the current threat to civility in urban Jamaica. Garrison communities thus fall neatly within Strange’s (1996) classification of “non-state authorities” and Charles’s (2002) unmasking of the garrison as a “counter society” in Jamaica.

Counter societies are lesser authorities or social units of authority within a country that compete with or attempt to supplant the higher legitimate authority of the state (Charles 2002). The Italian Mafia, Kibbutzim in Israel, hits squads of Venezuela, Colombian drug cartels and FARC rebels, drug gangs controlling the Brazilian favelas or shanty towns, Peru’s peasant patrols (*rondas campesinas*), some Chinese secret societies, Jamaican Maroon, Bobo Shanti and Nyabinghi Rastafarian communities, Chinese triads and Japanese yakuza are all examples of counter societies / governments (Strange, 1996). It must be noted however that the Israeli Kibbutzim, Chinese Secret societies and Jamaican Maroons and Rastafarian communities do not engage in activities declared criminal but instead exist as very stable counter societies, operating legally within their own domain of authority (Eckstein, 1992; Charles, 2002). What is crucial here is that a stable counter society is unlikely to pose a threat to the security of the state or jeopardize economic activity. This is because the boundaries between the counter society and the “legitimate authority” are clear and unchallenged. Peaceful co-existence is guaranteed once one authority

refuses to mount a challenge to the domains or rights of another. If a challenge, which can emerge from either side, is mounted and accepted, violence and instability are the likely outcome (Strange, 1996).

The Jamaican garrison community, under the command of community dons displaying autocratic authority, is a carefully sculpted but unstable counter society. In this fortified political zone, the police, as legitimate state authority, are looked upon with contempt, while alternate governance and extra-judicial structures replace the rule of law (Charles 2002).

The dons preside as judges when community rules and norms are violated. Severe breaches such as stealing and rape often result in execution (Stone, 1980; Charles 2002). Acting as a “shadow government”, they pull on tremendous financial resources (of which the government is starved) and effectively replicate and in some instances, replace the state as the main providers, benefactors, mediators and representatives of ‘justice’ for inner city residents. To the wayward youth, the don is a role model and folk hero. For women, particularly mothers, he is protection against rape, assault, abuse and the only route to economic survival.

The consistently poor human rights record of the Jamaican security forces consolidates the rule of the don. This record must be viewed within the context of the country’s crime rate. A total of 971 people were killed violently in 2003 and Jamaica’s homicide rate of 44 per 100,000 in 2001 was among the highest recorded in the world (Statistics Department, JCF). Traditionally, the Jamaican State feels compelled to reply sternly to criminal activity, resulting in a “mutual war of terror between ‘most wanted’ criminals and the security forces” (Gray, 2003, 12). Reports of police brutality and excessive use of force therefore plague the security forces. Recent human rights reports suggest that in 2003 alone, 133 people were killed by the police in disputed circumstances, many of which are “suggestive of extra-judicial executions” (Amnesty International, Jamaica 2003). Citizen protest over these killings resounds most in the inner cities as residents maintain a historically deep mistrust of the police. The dons capitalize on this misgiving and skillfully shift the focus away from the state to themselves for protection against enemies and material deprivation. Over time as residents naturally switch their allegiance from politicians and the police to their new paternal heroes (Stone, 1980; Witter; 1992; Charles 2002), they become subject to intense manipulation while “quiet” encroachment’s “noisier” side is exposed.

Because the garrisons are peopled and protected by dons and criminal thugs who enjoy great deference and prestige, there has been an increasing normalizing of violence across a range of social domains in Jamaica. “Broad swaths of the working poor, self-employed poor and the unemployed reject resorting to violent crime as the only appropriate response to marginality” (Gray, 2003, 14). However, “western metropolitan values of law and order, respect for human life and the sanctity of property are not guaranteed under the iron law of the don” (Witter, 1992, 21). Like other citizens, the dons enjoy broad political rights (under universal citizenship) yet have refused to submit themselves to the legal constraints imposed by “civil” society (Whitehead, 1997, 94-113). But so long as this counter society exists and community members find the callous use of violence by dons to secure social honour and economic empowerment morally justified, the state will be rendered powerless and genuine civic engagement nullified. Such is the complexity of the moral culture of the urban poor that even law-abiding residents are apt to respond to their social oppression and stigmatized class status as well as protect their economic way of life with their own brand of social rebellion (Gray, 2003; P4, Interview). The violent street protests often carried out by vendors selling on the street pavements of Downtown Kingston are proof that with a simple nudge of the don, many informals can be driven into collective action, action that is not silent but earsplitting and violent as discussed below.

In 1999, small-scale vendors along with the unemployed resisted efforts by the authorities (Kingston and St. Andrew Corporation or KSAC) to remove them from the streets thereby cutting off their livelihood by shutting down the commercial district for a week. “If we ca’an [can’t] sell, then nobody will sell” was their rallying cry (*The Jamaica Gleaner*, December 22, 1999; Charles 2002). Their capacity to act in defiance of the state when ordered by criminal forces underscores the volatility of this aspect of urban life in Jamaica. This was also blatantly illustrated in September

1998 when hundreds of irate citizens mounted roadblocks, formed human barricades and slashed the tyres of passing motorists. This followed the arrest of Donald “Zeeks” Phipps, the community don or “area leader” of Mathew’s Lane (a People’s National Party (PNP) garrison community in Western Kingston), on charges of murder and assault. Bearing placards “No Zeeks, No Peace; No Zeeks, No business in Downtown”, protestors in strategic alliance with “shottas” (shooters) armed with AK-47 and M16 rifles, demanded his release. When this demand was not met, they attacked the Security Forces and took to the streets in droves burning market stalls in defiance of efforts to contain the situation. One soldier was shot and killed and military armoured vehicles set ablaze.

In order to quiet the enraged mob (which reportedly feared his potential ill treatment in detention), Phipps was allowed into the station balcony to address his riotous supporters. His appeal for calm from an overhead lookout tower remains “a memorable tableau of law and order gone awry” in Jamaica (*The Jamaica Gleaner*, September 25, 1998; Charles, 2002). In similar incidents in 2004, inner city residents made manifest their rejection of the legitimate state authority, perceiving any act of policing as hostile “encroachment” on their lives. Residents of Olympic Gardens mobbed, beat and snatched a policeman’s gun, forcing him to release an ‘area leader’ suspected of criminal wrongdoing (*The Jamaica Gleaner*, March 10, 2004). This is while students and residents of the innercity community of Denham Town protested against a “disputed” police shooting by trashing the Denham Town Police Station. In full view of television journalists covering the incident, they set upon and torched police vehicles (*The Jamaica Observer*, February 14, 2004).

The Jamaican case thus becomes problematic for the social scientist as the spontaneous staging of riots to simultaneously protect one’s (illegal) way of life and means of subsistence and to seek freedom for persons detained by the state for criminal activities can neither be strictly defined as “community activism” or “peasant resistance” (Scott, 1985; 1990; Colburn 1989). We may find instead that Jamaica exhibits both or neither elements of social movement activity. This leaves social movement theorists with a rather difficult task of constructing lines of demarcation to theorize violent activities in spaces displaying such complexities. For civil society theorizing, the issue here is relatively straightforward. The “scorch the earth” approach to political negotiation and civic engagement employed by “people on the margins” under the strategic mandate of community dons has effectively transformed sections of downtown Kingston into a classic example of social decay and unchecked public disorder (except when otherwise dictated by the dons). Despite having a clear leader/negotiator (the community dons) and agenda (survival for the residents and wealth accumulation for the dons), the urban poor in this domain lack genuine civic engagement through which to collectively and legitimately voice and resolve their dilemmas at a political level.

Having retreated from the values, norms and authority systems of the wider state structure and substituted them for those of lesser authorities, the urban poor owing allegiance to the dons form communities where illegal behaviours and incivilities have become deeply entrenched. Such communities are the most likely sources of crime and violence, generalized lawlessness, indiscipline and urban revolt (Stone, 1988; Harriot 2000; Patterson 1999). This phenomenon of increasingly pervasive crime and lawlessness becomes the basis for a counter-hegemonic revolt against the state, threatening its very stability.

“Ungovernability”: Impacting “Community” & Civil Values

*“Do we wait until the state has provided a basic standard of living for our poor before we demand of them socially acceptable behaviour?” (Boyne , 2002, *The Sunday Gleaner*, November 17)*

This strikingly poignant question puts into sharp focus some of the vexing practices of “people on the margins” versus the state’s obligation to maintain social order and uphold the rule of law. At the same time, the decline in social order has corresponded with increasing concerns with the role of civil society in Jamaica (Meeks, 1996), the extent to which it is able to bolster positive values and attitudes and foster genuine civic engagement. The actions of civil society groups throughout the Third World have evolved through constant interaction with the state, which has ultimately become the focus of protest and demand making (Foweraker, 1991; Bayat, 2000b). However, an economically constrained Jamaican State, incapable of responding to its citizens’ needs in times of high social stress virtually lends itself to civil unrest. While there is no direct causal link between

poverty and lawlessness, the ability of the economy to generate meaningful and sustainable employment for those who are unemployed and underemployed is critical to achieving social stability.

Jamaica's low productive base, susceptibility to macro-economic instability and the burden of foreign debt servicing continue to retard its capacity to create sustainable employment (Franklyn, 2001, 302-315). A staggering 70 percent of the 2004/2005 national budget announced by the ruling People's National Party Government is dedicated to debt repayment (www.mof.gov.jm/jabudget). Whereas, there are vast differences in levels of crime among countries with similar levels of economic development, the explanation for the current levels of crime and incivility in urban Jamaica is to be found among other theoretical conceptions. For instance, values change and evolve over time as societies themselves become subject to fundamental changes (see Stone, 1992; Norris 1999; Inglehart in Norris 1999). Jamaica's present political atmosphere limits civic engagement. Whereas many people see no benefit in joining civil society organizations or participating in civic/ community initiatives, many organizations are unwilling to take critical positions from an independent, nonpartisan position (Figueroa, 1996).

Also exhibiting itself in Jamaica is an "increasing and pervasive resort to violent acts to settle differences and conflicts" (Stone, 1987, 25). These violent norms of behaviour and petulant tendencies, acting collectively in the form of "demand-making" protests or riots and sanctioned by community dons contain within them the potential for counter-hegemony and social anarchy.

The ability of Jamaica's criminal networks to mobilize mass popular support and their obvious control of strategic sections of Kingston (the capacity to lock down the city and cut off access to the International Airport) is cause for anxiety. The almost instinctive blocking of major roadways and the burning of debris to demand the delivery of particular social services, or to protest against some breach of human rights by the police means that the Jamaican citizen has found a voice and an outlet for public expression. With the vast number of roadblocks and street demonstrations staged by Jamaican citizens per year, the street has become the locus of collective struggle and expression for many urban poor. This "public space par excellence" is where the poor assemble, make friends, earn a living, spend their leisure time and express their discontent. Given that the streets are also the public spaces where the state has the most evident presence expressed in "traffic regulations, police patrols, spatial divisions, in short public ordering", the street is also the hub of conflict and chaos (Bayat, 2000a, 551).

However, the hijacking of citizen mobilizations by persons with criminal intentions merely arms legitimate forces of activism with destructive confrontational habits, crippling any discernable impact these unconventional modes of political participation may have on government policy or legislation. It is clear that the disenfranchised are expressing a liberation ideology – "a deep desire to live an informal life, to run their own affairs without involving the authorities or other formal institutions" (Bayat, 1997, 59). These ordinary folks have grown "weary of the formal procedures governing their time, obligations and commitments" and are "reluctant to undertake the discipline imposed for instance in paying taxes and bills" (Bayat, 1997, 59). Never mind that they still want to have access to electricity, piped water and other services which are defined as collective consumption and are furnished by the state. Should this case for the "autonomy" and "self-fashioning" of the urban poor free them from the regulations, institutions and discipline imposed by the state? Bayat persuasively discusses the ways in which Third World governments are presently counterbalancing the "autonomy" of criminal thugs in the informal sector and the values they espouse with those of the wider public sphere (Bayat, 2000a, p 549-552) However, the question, which remains unanswered in the Jamaican context is how gangsters and mobsters are to be differentiated from citizens genuinely interested in civic associationalism.

At the same time, inadequate and sometimes civic mechanisms under-utilized state and civic channels of redress mean that Jamaica's informal people are unable to translate the issues that become the fodder for street protests/demonstrations into a platform for genuine collective organization or the kind of collective bargaining imperative as a conduit for their discontent. Can a real civil society be engendered in such a domain or will the crude, destructive values of criminal

gangs and community dons, who manipulate this collective at will prevail? Importantly, can the state realistically fulfill its role of keeper of the peace and arbitrator between various interests? What is clear is that the chaotic browbeating of the Jamaican State, via “contrived” protests and demonstrations by a calculated alliance of “people on the margins” and criminal power elites of the civic sphere, is a deadly blow to social stability and cohesion in Jamaica. The tight communal solidarity and inter-community cohesion apparent in Jamaica’s urban counter societies is highly strategic and situation-dependent. It serves to provide shottas (shooters) with safe havens and elusive passage through rival communities (Charles, 2001) thereby protecting both their life and material gain.

This solidarity, by virtue of being constructed on a foundation of fear (of the dons), abhors genuine attempts at collective deliberation and the autonomous engagement of citizens for common action. The cohesion is temporary and inherently compromised since, ironically, this very group solidarity and identity are often used to erect barriers against rival communities and criminal groups, business people and other “outsiders”. Some civic action groups such as Human Rights lobby, “Jamaicans for Justice” have welcomed potential but such an initiative, like many others may only be able to represent real hope if and when it becomes part of a wider process of teaching the disenfranchised “to become mobilized on a collective basis and their struggles are linked to broader social movements and civil society organizations (Bayat, 2000a, 554).

Conclusion

Reflecting on the preceding discussion of the politics of “people on the margins” and community dons in Jamaica, I submit the following conclusion. Bayat’s quiet encroachment theory and his perspectives on informal relations are relevant to the public debate over social disorder and civility in the Third World. They serve to expose the counter political force that the urban poor have become by virtue of trying to survive and improve their lives. However, developments within the “civil” sphere in societies like Jamaica, especially the political evolution of a significant segment of the informals, most notably community dons and criminal gangs, demand that these perspectives be expanded or subjected to greater scrutiny. This study suggests that while the marginalised exhibit many of the features identified by Bayat as indispensable in a Third World context to living a dignified life, informals in coalition with community dons, carry out activities that are not only highly destructive and criminal but constitute everything that civility is not.

A civil society cannot exist without civil values and attitudes because civility depends on behaviour, attitudes and institutions that only civil society can create (Barber, 1998). Community dons supervise over the most extreme form of incivility – crime and violence (Keane, 1996) including mob action. Their very presence, occupation and encroachment on the civil sphere pose a direct challenge to the legitimate governance of the Jamaican State and underscore the security dilemma, which it confronts. Community “donmanship” in urban communities therefore makes Bayat’s notion of informal relations a much more complex affair than his analysis reveals. In the first instance, they operate and reside (though not always) within squalid and materially deprived urban communities, yet it is conceptually inaccurate to classify area leaders as poor or marginalized even while members of criminal gangs who become the hirelings of these dons fall strictly within this categorization. The dons accumulate excessive wealth from the drug trade, robberies, fraud and extortion, which afford them high levels of financial liquidity and place them in direct competition as a source of patronage with the cash strapped Jamaican state.

It is for this reason that current civil society theorizing, including conceptualizations of the activities and practices of individuals and groups within the informal sphere, requires that both a deconstruction and re-fabrication of the notion of “civil” society be undertaken.

This re-fashioning is compelled to give critical currency to civil society’s “uncivil” manifestations and to chart a theoretical and political context through which this “*hurrah*” term can best serve the normative obligations cast upon it. It is now widely agreed that “the quality and stability of both contemporary neo-democracies and long standing democracies is likely to be materially affected by the solidity and structure of civil society” (Whitehead, 1997, 96-97). These characteristics are heavily conditioned by the challenges arising from the uncivil interstices.

It is also crucial for those of us working for a more “civil” society to recognize that violence is the antithesis of civil society and “authoritarian law and order strategies are rendered redundant unless cultures of civility are cultivated at the level of civil society” (Keane, 1996, 164). The conspicuous absence of these very cultures of civility and positive leadership in the social domain of the Jamaican inner city means that lawlessness and tendencies towards anarchy and incivility are the dominant social norms here. At the same time, Jamaica’s social condition of “colliding values” and “power disequilibrium” (Stone, 1992, 6-7) means that the actions and practices of “people on the margins” are not always benevolent and may not always contribute to the common good. However, it is within this very variegated domain of civil society, populated by both virtuous and unscrupulous citizens, that real “civil” societies have to emerge. Our concern must therefore, of necessity, shift as Deaken (2001) advises to the “fertility” of the sub-soil of civil society and the nature of what grows in it. This bit of gardening is crucial because as William Shakespeare so aptly reminds us, “lilies that fester smell far worse than weeds”.

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2) See Carl Stone (1980), *Democracy and Clientelism in Jamaica*, New Brunswick, Transaction Books, and Selwyn Ryan (1999) *Winner Takes All: The Westminster Experience in the Caribbean* for a discussion on clientelism and its impact on political culture in Jamaica.

3) Structural adjustment was the principal instrument used by the International Monetary Fund (IMF) and the World Bank to exert pressure on developing countries such as Jamaica to remove trade barriers and rely on market forces in line with prevailing global trends.

4) The “informal economy” is defined as income-generating activities that are unregulated by the institutions of society in a legal and social environment in which similar activities are regulated (Portes et al, 1989).

5) See also Gordon, D., Anderson, P. and Robotham, D. (eds.) (1997) “Jamaica: Urbanization during the Years of Crisis” in A. Portes et., al (eds.) *The Urban Caribbean: Transition to the New Global Economy*. Baltimore: The John Hopkins University Press; Levitt, K. (1991) *The Origins and Consequence of Jamaica’s Debt Crisis 1970 – 1990* (revised) Kingston: Consortium Graduate School, University of the West Indies.

6) The population of Portmore moved from 2,200 in 1960 to 67,000 in 1982. By 1991, it had expanded to 96,700 (Gordon et. al, 1997). Overall since 1990, more than half (53.3%) of the registered Jamaican population of 2.6M [last census was completed in December 2002] is defined as comprising the urban population.

It is worth noting that life chances essential for survival and (minimal) living standards are often sought in the economically vibrant music industry. Often ignored in scholarship, Jamaica’s music industry, which emerged as an organic response to the social, political and economic circumstances facing the country since the 1980s, employs a large number of youngsters who may otherwise resort to a precarious life of crime, violence and instability. I discuss and develop upon this phenomenon in my ongoing research on “civil” society in Jamaica. However for an account of its significance and impact on social order, see Hope, D. P. (2001) *Inna di Dancehall Dis/Place: Sociocultural Politics of Identity*. Kingston: M.Phil. Dissertation. West Indies Collection, University of the West Indies.

These companies have reported a loss of over 300 million dollars in revenue annually (*Daily Gleaner*, September, 7, 2002; December 10, 2000).

For a more detailed delineation of the activities and impact of criminal organizations, see Don Robotham's expose on Jamaica's criminal gangs, entitled Waging 'war' intelligently in *The Sunday Gleaner*, November 24, 2002. www.jamaica-gleaner.com. pg. A8

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