

# A Cultural Study of Asylum Under New Labour

Thesis submitted for the award of PhD

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## Abstract

*A Cultural Study of Asylum in the UK Under New Labour* critically explores the meaning and significance of an 'asylum crisis' constructed within British public discourse since 1997. Drawing upon the discourse theory of Laclau and Mouffe and the work of other poststructuralist, deconstructionist and Cultural Studies theory, the research opens a range of questions about how the dominant hegemonic discourse on asylum has been articulated, using examples in the analysis drawn from across a number of discursive sites, focusing primarily upon examples drawn from the national news media, the rhetoric of mainstream national politicians and policy and other official documents. In the first three chapters the study seeks to explain how theory is important to understanding the role of asylum in contemporary culture and politics. Here, a genealogy of ideas concerning the 'othering' of migrants in the UK is developed, and in relation to asylum, an elucidation of some key concepts for discourse theory and Cultural Studies. The analytical approach of the study is constructed through a critical appraisal of Laclau and Mouffe's discourse theory in relation to asylum as an object of analysis and via an engagement with the work other poststructuralist scholars. Case study chapters then examine how a dominant asylum discourse has been constructed in relation to particular 'crisis' issues, how these discourses have shifted and changed under New Labour, and the technologies of control through which asylum seekers are excluded from the mainstream, 'law abiding' citizenry. Through these are explored the conditions of possibility for the articulation of asylum as a threat to the security and well being of the British nation, and concomitantly for the rearticulation of liberal democratic values such as 'human rights' as a potential threat to national security.

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## Chapter One: Introduction

*People know that Britain's immigration and asylum system has broken down. They know that it is chaotic, unfair and out of control. They want politicians to be honest about the problem. And they want clear, fair and practical action to tackle it. For centuries Britain has welcomed people from around the world with open arms. We have a proud tradition of giving refuge to those fleeing persecution.*

(Michael Howard, Speech on Immigration and Asylum 2004)

*Concern over asylum and immigration is not about racism. It is about fairness.*

(Tony Blair, general election campaign speech 2005)

Britain's 'proud tradition' of welcoming and providing sanctuary to refugees is so frequently expounded in media and political discourse that it could almost be said to have become cliché. Each national mainstream political party is professedly in favour of providing asylum for those *genuinely* fleeing persecution. All sections of the national press proclaim that asylum seekers such as these *deserve* our help and *generosity* in their time of need. All of this is assumed to be 'common sense' because Britain is, after all, a liberal democracy and as such stands for liberal values and supports human rights. In 1998, the New Labour government even passed legislation which symbolically represents these values - the *Human Rights Act* – which enshrines international human rights obligations into UK law.

However, since Labour came to power in 1997, there have also been seven new legislative measures designed to restrict, control or manage the arrival and presence of asylum seekers.<sup>1</sup> Increasing restrictions have been placed upon the arrival and movement of asylum seekers and ever strengthening state powers to exercise surveillance and control, and to police the daily existence of people seeking asylum in Britain. However, these do not seem to have allayed the fears or concerns of the public who have consistently told opinion

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<sup>1</sup> These include: the 1999 Immigration and Asylum Act; the Nationality, Immigration and Asylum Act 2002; the Asylum and Immigration (treatment of claimants etc.) Act 2004; the Immigration, Asylum and Nationality Act 2006; the 2007 UK Borders Act. HMSO (1999). "Immigration and Asylum Act.", HMSO (2002b). Nationality, Immigration and Asylum Act, HMSO (2004). Asylum and Immigration (treatment of claimants etc.) Act. United Kingdom, HMSO (2006). Immigration, Asylum and Nationality Act.

pollsters that the topics of immigration, 'race' and asylum are 'the most important issues facing Britain today'. (Crawley 2009) In the latest IPSOS/MORI poll, for example, 33% of respondents placed 'race relations/immigration' as 'one of the most important issues facing the country'.<sup>2</sup>

During this period, asylum seekers have been frequently demonised in the national press and regional press. (Mollard 2001; Speers 2001; Kaye 2001b; Buchanan, Grillo et al. 2003; Lynn and Lea 2003; Finney 2004; Bailey and Harindranath 2005; Greenslade 2005; Pitcher 2006; Smart, Grimshaw et al. 2007) However, arguably equally or more importantly, asylum seekers have been signified as presenting a significant 'threat' in national mainstream political discourse. (Dummett 2001; Kushner 2003; Thomson 2003; Solomos and Schuster 2004; Charteris-Black 2006; Pitcher 2006; Tyler 2006; Gross, Moore et al. 2007) As the epigraphs to this chapter from ex-Prime Minister Tony Blair and ex-Conservative party leader Michael Howard suggest, politicians' contributions to the construction of asylum as 'an issue' in Britain is considered to be of central importance. These quotes also indicate, I would argue that the nature of political rhetoric which surrounds these issues cannot be straightforwardly identified as 'racist' or 'xenophobic'. Indeed, as I will illustrate and analyse throughout this study, a large degree of care would seem to be taken when, party leaders especially, venture into this area to propose new policy, comment on contemporary events or to challenge the ideas or pronouncements of their opponents. Michael Howard's speech, from which the quote above is an extract, for example, makes much of his own family history of seeking and receiving refuge from Nazi Germany in the UK – a tactical deployment of ready-made non-racist credibility against which to set draconian and politically regressive proposals for an annual limit on those coming in, 'stricter controls' for those already here, and to propose Britain's withdrawal from the primary international legal

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<sup>2</sup> While this figure is explained to represent a 9% increase from the previous month, and to be the highest score since May 2008 for this category (and attributed to British National party [BNP] leader, Nick Griffin's controversial appearance on the BBC's Question Time programme), longer term trends from this polling company show that since 1997, 'race/immigration' has consistently featured as one of the five most important issues respondents said they thought Britain faced, and as one of the top three between 2001 and 2008. (2009). Question Time. UK, BBC, IPSOS/MORI. (2009). "Issues Facing Britain: Long Term Trends." Retrieved 12th November 2009, from <http://www.ipsos-mori.com/Assets/Images/Polls/trend-issues-facing-britain-current-top-5.png>.



frameworks protecting asylum seekers - the United Nation's 1951 Refugee Convention, and the European Convention on Human Rights. (Council of Europe 1950; United Nations 1951)

Political-rhetorical strategies such as this, I argue, have been typical of the dominant media and political discourse surrounding asylum in the UK since 1997. It is particularly striking that the 'liberal credentials' of politicians and commentators are often very clearly on display at the very moment when the 'othering' of asylum seekers is articulated with most force. In New Labour Britain, as Pitcher observes, 'multicultural pluralism' has been brought to the fore, 'as an instrument for the reconstruction of an explicitly nationalist politics.', and 'a discourse of national "tolerance" is mobilized in the area of asylum and immigration to defend exclusionary practices against the charge of racism' (Pitcher 2009: 41-2) Indeed, it is perhaps most powerfully in the language of elites that a racist and exclusionary 'common sense' about asylum seekers is articulated. (van Dijk 1991; van Dijk 1992; van Dijk 1993a; van Dijk 1993b; van Dijk 2000c; van Dijk 2000d; van Dijk 2002; van Dijk 2005)

In seeking to explore the conditions of possibility for, and the key features and dynamics of the dominant asylum discourse in Britain since 1997, therefore, my analysis focuses upon the mainstream media and formal political discourse surrounding asylum at the national level. My purpose is not to critically explore the 'condition', experiences or the 'subjectivities' of asylum seekers as 'minority groups', but rather, to explore the conditions of existence for the articulation of asylum as 'an issue' in the contemporary conjuncture. Conscious of Paul Gilroy's caution against the reproduction of a 'migrancy problematic' in research, I would concur with his contention that:

if there has to be one single concept, a solitary unifying idea around which the history of postcolonial settlement in twentieth-century Europe should revolve, that place of glory should be given not to migrancy but to racism. (Gilroy 2004a: 165)<sup>3</sup>

In analysing the dominant discourses surrounding asylum therefore, it is with a view to exploring how contemporary forms of racism operate to oppress certain groups and privilege others. Asylum seekers are not ethnicised or racialised in any unified way as may

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<sup>3</sup> Gilroy asserts that in seeking to critique civic and ethnic nationalisms and their 'uniform rejection' of migrants represented as undesirable, some scholars have inadvertently reproduced a 'migrancy problematic' by taking migrants or migration as their conceptual focus they have reproduced the idea that it is migration (rather than responses to it) which constitutes a problem.

have been the case with other, previous immigrant groups to the UK. Rather, it is their legal categorisation, through which their claim upon social legitimacy or otherwise is signified as I explore in further detail in the next chapter. However, this does not mean that the exclusionary or xenophobic discourses through which asylum seekers are 'othered' are not racialised, inflected with elements derived from a discursive history of immigration in the UK, or invested with a legacy of racist hostility conditioning the encounters between New Commonwealth immigrants in the decades following post-Second World War and existing populations in Britain.

As such, the question of determining 'legitimacy' or 'illegitimacy' which pervades asylum discourse and the institutional mechanisms and practices through which the asylum system is governed (i.e. the decision making apparatus that grants asylum seekers 'leave to remain' or which rejects their claims) cannot simply be seen as arbitrated by an impartial, disinterested or apolitical law, but rather one invested with a loaded political history – a history of the present interlaced with anxieties which Paul Gilroy has termed, 'postcolonial melancholia'. (Gilroy 2004a) Chapter Two develops a discussion around Gilroy's ideas alongside a range of other academic theories pertinent to exploring asylum discourse, and drawn from across a range of interdisciplinary fields. It engages in particular with cultural theories of identity, difference and 'othering' in the context of global neo-liberalism and 'late modernity', focusing also upon the role of national identity and nationalism in these contexts and their potential relationship to the politics of exclusion of the nation-state.

Chapter Three elaborates my conceptual and analytical approach in much more detail, developing the anti-essentialist and non-reductionist approach developed from perspectives drawn from cultural, social and political theory which informs my analysis throughout the rest of the study. In contrast to cognitivist approaches which might intend to produce an archival history of asylum law or political speeches, or to document comprehensively all news coverage surrounding asylum, my empirical analyses instead present a genealogical study which approaches asylum and refugee issues as a 'history of the present', seeking to explore the conditions of possibility for governmental power surrounding and implicating asylum, and its functions and technologies, both restrictive and productive. Chapter three sets out in detail how this approach is informed by Michel Foucault's work on 'discourse' as

it has been developed and rearticulated within the post-Marxist discourse theory of Ernesto Laclau and Chantal Mouffe as well as other post-foundational theoretical thinkers. The chapters that follow then explore these questions through a series of case studies focusing upon several important dynamics through which the dominant discourse on asylum has been articulated under New Labour.

Chapter four focuses upon the furore surrounding the existence and ultimate closure of the Red Cross camp at Sangatte, northern France in November 2002. It investigates the media coverage and political rhetoric leading up to and surrounding the issue of Sangatte, and the articulation of an 'asylum crisis' focusing upon a perceived public concern with rising and uncontrollable numbers of asylum seekers coming to the UK, and the government's subsequent efforts to 'manage' the 'problem'. The Sangatte issue constructed a particular asylum narrative illustrated with the pictures of desperate groups of young men endeavouring to slip past British border controls via the channel tunnel. This allowed for the 'common sense' conflation of asylum seekers with 'illegal immigration' linked to a sense of Britain's vulnerability, its inability to control its own borders and moral outrage at the ease of 'the abuse' of the asylum system.

This, I will argue, represents in some respects a rehearsal of the 'traditional' British equation between immigration control and 'good race relations'. Within the 'traditional' 'race relations paradigm' non-white immigration has been constructed as an issue in terms of social and cultural assimilation and integration. The perceived 'problem' has been seen as double-edged in that a hostile and racist reaction from the British public to an increasing black presence was on the one hand assumed, whilst on the other the 'cultural differences' of immigrants were presupposed to encumber their 'integration'. These factors would potentially disrupt social harmony and contribute to the subversion of the social order. I will argue, however, that this equation has also been reconceived through the asylum issue as something that presents new concerns in terms of novel discursive forms of racism.

Occasionally, asylum is more directly linked to this discursive pre-history of anxiety surrounding immigration, race relations and potential social unrest. This was condensed in the resonance of the word 'swamping' as it was used by then Home Secretary, David

Blunkett in May 2002 to indicate his concern that some British schools were under pressure as a result of increased numbers of asylum seekers. (David Blunkett 2002) The term had been used by Margaret Thatcher whose comments about New Commonwealth immigration in an interview on Granada television's *World in Action* programme in 1978 included the words:

people are really rather afraid that this country might be rather swamped by people with a different culture and, you know, the British character has done so much for democracy, for law and done so much throughout the world that if there is any fear that it might be swamped people are going to react and be rather hostile to those coming in. (Thatcher 1978)

Thatcher's comments, were of course in turn evocative of Enoch Powell's 20<sup>th</sup> April 1968 notorious 'rivers of blood' speech which presented an apocalyptic vision wherein American social ills and 'racial disorder' would be echoed in Britain (which, having allowed immigration would suffer a cultural and social collapse). British identity, its culture and values would be lost, Powell argued, 'by our own volition and our own neglect.' (Powell 1968) This is not to argue that a teleological development of immigration politics to the asylum issue has taken place, simply fuelled by a constant and essential force of 'racism'. Rather, it is to highlight how a certain thematic mode of expression of racism, has been articulated and rearticulated by powerful and high profile politicians, and to argue that this has been instrumental in defining an insidious and powerful social myth concerning the threats posed by immigration, and which has informed contemporary asylum discourse.

Chapter five focuses upon one of the most significant elements of the state's response to the 'asylum crisis' – the detention of asylum seekers. Control of asylum and the practices of the asylum system in the UK lay largely within the remit of administrative rather than criminal law. However, following recent legislation, more and more aspects of immigration and asylum control are designated and treated as criminal matters, with information sharing between crime, terrorism and immigration and asylum control agencies now routine and/or legally sanctioned.<sup>4</sup> The activities of immigration officials and the control agencies involved

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<sup>4</sup> Following the Asylum and Immigration (treatment of claimants) Act 2004, more aspects of immigration and asylum control are designated as criminal matters. For example, arriving without country of origin documentation can now be punished as a criminal offence by up to two years imprisonment. The UK Borders Act 2007 allowed police like powers to immigration officers to detain those they suspect would be of interest

in the policing of asylum are relatively invisible to the general public. Immigration officers exercise powers to which the majority of the British public will never be subject and with which they are likely to be largely unfamiliar. There is no common resource upon which to draw, in terms of interaction and experience of the immigration control apparatus, nor a readily apparent public face of its power or visibility of its force 'on the ground'.<sup>56</sup> Rather, the face of immigration control has largely been concentrated in the figure of the Home Secretary (of which there have been six)<sup>7</sup>, and his/her ministers with responsibility for immigration and asylum matters. Behind this public face, however, and as I will explore further in chapter five, a large apparatus of state control and law enforcement has developed around asylum and a significant increase in the powers of immigration officers has taken place. Furthermore, whilst the powers to enforce immigration law have been and continue to be increased, the asylum decision-making process (which determines whether and how a person might be subjected to these powers), is subject to fewer checks and balances as the role of legal representation is reduced and thus also the capacity to hold the state to account in this domain.<sup>8</sup> Therefore, in spite of the massive press coverage of asylum

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to the police, a power extended to immigration officers in Scotland in the Borders, Citizenship and Immigration Act 2009. HMSO (2004). Asylum and Immigration (treatment of claimants etc.) Act. United Kingdom, HMSO (2007a). UK Borders Act. United Kingdom, HMSO (2009). Borders, Citizenship and Immigration Act. United Kingdom.

5 One exception to this rule has been the voice of ex-immigration officer and 'whistle-blower' Steve Moxon, whose book *The Great Immigration Scandal*, portrays a civil servant's experience of the inner workings of the Home Office. Moxon, S. (2004). *The Great Immigration Scandal*. Charlottesville, VA, Imprint Academic. His argument, concerning the inefficiencies in processing asylum claims and in the implementation of asylum policy more generally, fed the controversy which ultimately led to the resignation of Immigration Minister, Beverley Hughes, in April 2004. Moxon has also appeared on national television, including as a news source, notably during the long running news narrative about 'chaos at the Home Office' in 2006.

6 A second exception to this rule was an undercover investigation into the institutional culture amongst officers at Yarl's Wood detention centre by a *Mirror* journalist in December 2003, which produced evidence suggesting a culture of racism and abuse towards asylum detainees. This was a highly significant intervention into the debate surrounding the causes of the 'riot' and subsequent fire on 14th February 2002, which seriously damaged the centre and led to its partial closure. The *Mirror's* publication of the story prompted an enquiry of the Prisons Ombudsman into the allegations of racism, abuse and violence at Yarl's Wood detention centre to be undertaken and published. Prison and Probations Ombudsman (2004). *Investigation into allegations of racism, abuse and violence at Yarl's Wood Removal Centre*.

7 Prior to the present Home Secretary, Alan Johnson (6th June 2009-present), New Labour Home Secretaries have been: Jacqui Smith (28th June 2007-5th June 2009); John Reid (5th May 2006-27th June 2007); Charles Clarke (15th December 2004-5th May 2006); David Blunkett (8th June 2001-2nd November 2005); and Jack Straw (2nd May 1997-8th June 2001)

8 For example, the 2004 Asylum and Immigration (Treatment of Claimants) Bill included a proposal to entirely remove judicial review of asylum appeals cases. This controversial measure was amended but the appeals system was still 'rationalised' from a two-tier to a single tier process in the form of an Immigration and Asylum Tribunal (IAT). HMSO (2004). Asylum and Immigration (treatment of claimants etc.) Act. United Kingdom.

as 'an issue', the apparatus of control of the asylum system are increasingly largely isolated from rigorous public scrutiny.

Chapter Five therefore examines the subject of asylum detention in Britain and the politics of its justificatory discourses. The analysis focuses upon New Labour policy on asylum detention post September 11<sup>th</sup> during the period of the so called 'war on terror', examining the content of official government documents affecting asylum and immigration, such as major white papers and Acts of Parliament, as well as the research reports of non-governmental organisations (NGOs) advocating both pro- and anti- asylum politics. The chapter highlights a marked shift in policy discourse after the introduction of the Immigration and Asylum Act in 1999, and explores how technologies supporting a disciplinary and securitising apparatus designed to control the population and in particular to segregate asylum seekers economically, legally and physically from the population at large, have proliferated and their effects intensified.

My final case study in Chapter Six examines the increasingly close association between asylum and the idea of 'a threat to national security' in media and political discourse. It critically analyses the conditions of possibility for as well as contours of this relationship, identifying and exploring how a pervasive 'securitising discourse' has come to inform asylum and immigration policy debates in the post 9.11 era. It explores what is meant by a 'securitising discourse' focusing upon how it both draws upon and re-articulates sedimented ideas (discussed in previous chapters) about 'dangerous migrant identities' which would threaten the interests of 'the law abiding national majority'. The case study analysis focuses upon the six year legal battle to avoid deportation of a group of Afghan asylum seekers who hijacked a plane bound for Kabul in 2000. This story dramatises certain transformations in the negative ideas surrounding asylum, notably premised upon the articulation of 'national security' and 'human rights'. An increasingly vociferous 'critique' of the latter, premised upon a perceived necessity to redress the 'imbalance' between 'human rights' and 'national security' in light of 'contemporary threats' facing nation states in the context of the so called, 'war on terror' has, I argue been both contributed to and to some extent, constituted by a 'securitising discourse of asylum'.

The kind of 'unfairness' articulated by mainstream politicians in their concern to secure the image of Britain as a hospitable sanctuary for 'those who deserve it', therefore, is perhaps very different from that which a deconstructive analysis of the asylum system and of the dominant discourse on asylum is likely to suggest. This study is approached in the hope that the articulation of a more just asylum discourse is possible.

## *Chapter Two: Literature Review*

### **Introduction**

This chapter provides a critical review of a range of literature contextualising my cultural study of asylum under New Labour. In this it engages with a range of academic fields and disciplines, identifying key questions and concepts considered in studies of immigration, asylum and refugee issues, theories of nation and nationalism and of 'race' and racism, identity and representation. In this it introduces a range of arguments germane to exploring the conditions of possibility of asylum discourse in the contemporary conjuncture. It delineates elements of the conceptual and theoretical framework informing my approach, introducing ideas drawn from cultural, social and political theory which are also developed in more detail in chapter three, but which are important to my analyses through the forthcoming chapters and case studies to follow. The first section engages with questions of identity, difference and 'othering' in neo-liberal modernity as these concepts relate to the study of racism and to migration as an interdisciplinary field. The second section explores national identity and nationalism, and discusses the discursive legacies of racism in the UK and the politics of exclusion from the nation-state.

### **The Interdisciplinary study of Immigration and Asylum**

The proliferation of research exploring the phenomenon of migration in recent years has led to the development of an interdisciplinary field of study. Scholars have sought to theorise the acceleration in transnational migration and more complex patterns of people movements across the globe, often considering economic, sociological or cultural analyses of globalisation, the intensification of a neo-liberal world order and the development of transnational identities and multiculturalism. (Sassen 1999; Castles and Davidson 2000; Castles and Miller 2003; Balibar 2004; Bauman 2004; Hollifield 2004; McNevin 2006; Moses 2006; Threadgold 2006; Castles 2007; Brettell and Hollifield 2008) While some studies have conceptualised global migration as presenting a 'crisis' for nation-states in the modern era (Weiner 1995; Joppke 1999; Castles and Davidson 2000), writers have also contested such crisis narratives, offering alternative perspectives which emphasise the economic value of migration to countries of immigration and emigration, for example (Legrain 2006). Still



others radically question the assumptions underpinning the dominant idea that international migration needs necessarily to be 'managed'. (Cohen 2003; Hayter 2004; Cohen 2006a; Cohen 2006b) The question of what constitutes a 'crisis' will be explored in greater detail below, and specifically related to the discursive construction of asylum as 'an issue' in chapter four.

From a Marxist historical perspective, Eric Hobsbawm considers global immigration in a neo-liberal capitalist era as accompanied by the retrenchment of nationalisms and hostility towards migrants:

In the historic European homelands of nations and nationalism, and to a lesser extent in countries such as the US largely formed by mass immigration, the new globalisation of movement has reinforced the long tradition of popular economic hostility to mass immigration and resistance to perceived threats to group cultural identity. The sheer force of xenophobia is indicated by the fact that the ideology of globalised free-market capitalism, which has captured the dominant national governments and international institutions, has utterly failed to establish the free international movement of labour, unlike those of capital and trade. No democratic government could afford to support it. However, this evident ruse of xenophobia reflects the social cataclysms and moral disintegration of the late twentieth and twenty-first centuries as well as mass international population movements. The combination is naturally explosive, particularly in ethnically, confessionally and culturally homogeneous countries and regions unused to major influxes of strangers. (Hobsbawm 2007: 89)

For Hobsbawm, the hostilities surrounding particular forms of global migration are primarily determined as economic conflicts. An apparent contradiction between the increasing ease with which the globe can be traversed (as a result of the development of transport technologies), and developments in policies and technologies to increasingly restrict the global movement of particular groups and communities, is more broadly conceived by cultural geographer Doreen Massey as an operation of 'power geometry'. (Massey 1993; Massey 1994) Massey is concerned to differentiate how different people are positioned by or subjected to globalising forces, or 'time-space' compressions, and particularly how 'mobility and control over mobility both reflect and reinforce power.' (Massey 1993: 62) For her, it is important to think about places as 'articulated moments in networks of social relations and understandings'. (Massey 1993: 66) In this, differentiated relationships to places are conditioned by ease of mobility and access, (which are likely be conditioned by

economic factors, although not necessarily or exclusively), and 'the time-space compression of some groups can undermine the power of others.' (Massey 1993: 62). From their different disciplinary perspectives, these scholars share a concern that increased international migration flows in recent years have created the conditions of possibility for new conflicts, as global mobility is positioned as a property, resource or privilege desired by many but protected for the few, impacts upon formations of cultural identity and their relations and encounters with diversity.

These questions of conflict have also been explored specifically in the study of 'forced migration', including studies particularly concerning asylum seekers and refugees. Within this, diverse research concerns have addressed ethical-political and legal questions; (Kushner 2003; Gibney 2004; Price 2004; James 2005; Zylinska 2005a; Zylinska 2005b; Every 2008; Price 2009); the implications for international relations and sovereignty, such as the relative political power of states and other actors; and the politics of border control and surveillance, particularly in Europe, North America and Australasia. (King 1992; Alvarez 1995; Bloch 1999; Sassen 1999; Andreas 2000; Bigo 2001; Lavenex 2001; Back 2002; Bigo 2002; Guild 2002; Schuster 2003; Schuster 2003a; Schuster 2003b; Schuster 2003c; Schuster 2003d; Ajana 2005; Bigo and Guild 2005; Flynn 2005; Bigo 2006; Webber 2006; Bigo 2007) The development of new methods of exclusion of asylum seekers and/or 'undesirable migrants', including preventing asylum seekers from reaching the borders of the nation state; the internalisation and externalisation of border controls; and the punitive regimes of immigration and asylum systems and their techniques of containment or expulsion, have also been the objects of analysis. (Teitelbaum and Weiner 1996; Hansen 1999; Bigo 2001; Bigo 2002; Cohen, Humphries et al. 2002; Flynn 2003; Schuster 2003c; Schuster 2004; Fekete 2005; Flynn 2005; Schuster 2005a; Welch and Schuster 2005a; Bloch and Schuster 2005b; Welch and Schuster 2005b; Bigo 2006; Bosworth and Guild 2008; Gibney 2008) These studies have contributed to the growing interdisciplinary literature assessing the close associations drawn between asylum seeking, 'irregular' or 'clandestine' border crossing and crime or even terrorism and national security in political or legal discourse. (Zimmerman 1995; Harding 2000; Zard 2002; Guild 2003; Buonfino 2004; Clements 2007; Bosworth and Guild 2008; Huysmans and Buonfino 2008)

Much of this work has either implicitly or explicitly considered the 'othering' of asylum seekers and immigrants, examining the means through which they can be positioned as 'enemies' or a threat to those who 'belong'. (Sales 2002; Sassen 2003; Bloch and Schuster 2005a; Somerville 2007) In the British context, processes of governance and state policies about asylum and immigration since the 1990s have been subjected to critical scrutiny in terms of their construction of exclusionary and potentially racist ideas in the 'othering' of asylum seekers. (Dummett 2001; Sales 2002; Flynn 2003; Solomos and Schuster 2004; Flynn 2005; Lewis and Neal 2005; Sales 2005; Bloch and Schuster 2005a; Bloch and Schuster 2005b; Jordan and Brown 2006; Sales 2007) The media has also been subject to scrutiny for its role in reproducing or reinforcing these ideas and representing asylum as a 'problem'. (Kaye 1996; Kaye 1998; Speers 2001; Kaye 2001a; Kaye 2001b; Coole 2002; Buchannan, Grillo et al. 2003; ICAR 2004; Bailey and Harindranath 2005; Irwin and Wilson 2005; Lido 2006; Gross, Moore et al. 2007; Gabrielatos and Baker 2008; Leudar, Hayes et al. 2008)

It is notable that such work has produced some striking similarities in the representation of asylum and immigration within and across different national contexts suggesting a powerful transnational discourse surrounding these issues. For example, in his critical discourse analyses of political discourse across the EU, van Dijk argues that whilst there may be differences in style within the discourses, 'The main topics, argumentation strategies and especially the standard arguments (topoi) against immigration are very much comparable.' (van Dijk 1993a) Indeed, similarities between how asylum seekers are represented in policy discourses within different national contexts of 'the West' more generally, are also evident from the growing literature, particularly in the US, Europe and Australasia in terms of the formation and implementation of policy ideas and practices. (Santa Ana 1999; van Dijk 2000c; Kundnani 2001; Berman 2003; Hardy 2003; Kushner 2003; Lynn and Lea 2003; Thomson 2003; Fekete 2005; Lewis and Neal 2005; Charteris-Black 2006; Jordan and Brown 2006; McNevin 2006; Pitcher 2006; Goodman and Speer 2007; Magnani 2007; Bleasdale 2008; Back 2009; Lyttelton 2009) Many of these studies have discovered similar ideas to be associated with asylum seekers and refugees, for example, as general objects of suspicion to be deterred from entering Britain, a problem for the authorities associated with a drain on resources, 'abusing' or 'cheating' the immigration or asylum system, or involvement in criminal or terrorist activity. Often the coverage of these supposed 'asylum threats' in the

news media is gendered male, with asylum seeking women rendered virtually 'invisible' and with very little opportunity for asylum seekers to present their own stories. (Philo and Beattie 1999; Threadgold 2006; Threadgold 2008) Indeed, variations on the threatening themes associated with asylum and immigration in political and policy discourses have been identified as characteristics of the news media from the 1990s both in the UK (Kaye 1994; Coleman 1995; Kaye 1996; Kaye 1998; Speers 2001; Kaye 2001a; Kaye 2001b; Buchanan, Grillo et al. 2003; ICAR 2004; Irwin and Wilson 2005; Gross, Moore et al. 2007; Smart, Grimshaw et al. 2007), Ireland (Haynes, Breen et al. 2005; Fanning and Mutwarasibo 2007), Italy (Mai 2002), Germany (Brosius and Eps 1995; Bauder 2008), the Netherlands (ter Wal, D' Haenens et al. 2005; Roggeband and Vliegenthart 2007), Belgium (Van Gorp 2005), Austria (El Refaie 2001), central and eastern Europe (Clarke 1998), South Africa (Danson and McDonald 2001) and Australia. (Ward 2002; Saxton 2003; Gale 2004; Bailey and Harindranath 2005; O'Doherty and Lecouteur 2007; O'Doherty and Augoustinos 2008)

In their discussion of the *Tampa* affair for example, (the Australian government's response to the proposed landing upon Christmas Island of a group of 433 asylum seekers rescued from a sinking boat by the Norwegian ship, the *Tampa* in August 2001), Bailey and Harindranath note the 'complicity' of the press in the anti-asylum rhetoric of the, then ruling Liberal Party's position on this issue. Rather than the *Tampa* story constituting an isolated example in this respect, they argue that such hostile reactions towards asylum seekers in the press constitute, 'a pattern that demonstrates a form of racism which has become part of a commonly held vision of national security and sovereignty.' (Bailey and Harindranath 2005: 275) State and media racism in this form, they argue, 'is not overt but is constitutive of an attitude to "foreigners", particularly refugees, and is therefore far more insidious'. (Bailey and Harindranath 2005: 275) It is a symptom of the 'paradox' of globalisation that is, they argue:

the celebration of "global culture" and porous borders on the one hand, and the simultaneous consolidation of national borders, on the other. (Bailey and Harindranath 2005: 275)

In the UK, while some studies have emphasised the differences in coverage between regional and national press and between the press and broadcast news, (Speers 2001; Buchanan, Grillo et al. 2003; ICAR 2004) and that coverage has become less

‘sensationalised in some respects’, apparently adhering to Press Complaints Commission (PCC) guidelines, (Smart, Grimshaw et al. 2007), others have noted that even when asylum is not a high profile object of news in and of itself, it nonetheless frequently features within news discourse in a manner which continues to connote negativity, seeming to invest news narratives focused upon other topics (such as party political news), with a further news value. (Gross, Moore et al. 2007)

The representation of asylum seekers and other migrants as antagonistic or threatening to the peace and security of the nation would therefore seem very clearly evident in the findings of studies exploring the representation of asylum and immigration. In chapter four I explore this issue in more detail in relation to the construction of asylum as an issue of ‘crisis’ in the late 1990s and early 2000s. In their study of the representation of asylum seekers at the time of the closure of the Sangatte centre, Buchannan et al. note:

there were numerous variations on the theme of illegality and cheating, including "illegal asylum seeker" and "illegal refugee". The notion of illegality came across strongly in descriptions of the asylum seekers in Sangatte. (Buchannan, Grillo et al. 2003: 12)

As Buchannan et al.’s work highlights then, it is demonstrably not *all* asylum seekers which are represented and positioned as threatening and thus unwelcome. Indeed, as noted in the introduction, ‘genuine’, ‘blameless’ or ‘innocent’ asylum seekers could not be represented as more welcome within British public discourse. As I will argue further in the chapters to follow, the differentiation between these ‘good’ and ‘bad’ asylum seeker identities renders the transgression of these ideals of ‘genuineness’ meaningful, and also contributes in important ways to the dominant negative discourses constituting asylum as ‘an issue’ in the UK. I return to this issue of legitimacy and illegitimacy below in more detail, as a development of the following discussion concerning the concept of identity and its importance in my approach for examining the politics of belonging and otherness in the contemporary conjuncture.

## Identity and Othering in Neoliberal Modernity

*Since cultural diversity is, increasingly, the fate of the modern world, and ethnic absolutism a regressive feature of late-modernity, the greatest danger now arises from forms of national and cultural identity – new and old – which attempt to secure their identity by adopting closed versions of culture or community and by refusal to engage...with the difficult problems that arise from trying to live with difference. (Hall 1993, cited in Bauman 2006)*

Hall's argument highlights issues that are highly significant to the context surrounding the meaning of asylum in contemporary Britain, as I will explore in the chapters to follow. In the scene of conflict Hall depicts, a central place is afforded to the concept of identity. An inherently political and cultural construct, as demonstrated in the work of Saussure, identity derives its meaning only through its difference to other identities within the language system. (Saussure 2006 [1916]) Hall focuses attention upon the encounter with difference as potentially generating hostility, but whilst under certain conditions hostility may be most likely, there also remains a glimmer of alternative possibilities – an engagement rather than a refusal to engage with difference. As Rutherford notes more explicitly, a relation of difference is always a relation of power, but this need not necessarily be one of oppression or conflict:

It is within polarities [...] where one term is always dominant and the other subordinate, that our identities are formed. Difference in this context is always perceived as the effect of the other. But a cultural politics that can address difference offers a way of breaking these hierarchies and dismantling this language of polarity and its material structures of inequality and discrimination. (Rutherford 1990: 10)

Therefore, although 'closed versions' of culture are 'adopted' in our times, cultural identity is not considered an essential or positive characteristic inherent to individuals or groups, but rather as something constructed in the relations between them – between different objects or signifiers. As such, all identity can be seen as unstable and potentially open to redefinition as those relations are shifted or change. This idea of the essential instability and unfixedness of identity will be explored in greater depth in the next chapter in relation to the post-Marxist discourse theory of Laclau and Mouffe. However, it is useful to note here that an anti-essentialist approach to understanding identity formation informs this study.

As such, it is assumed that the meaning of the term 'asylum' and how asylum seekers are differentiated from other social identities (for example, 'refugee', 'immigrant' or 'British citizen') are constructions – effects of operations of power. Similarly, the meaning of and relations between ideas such as 'refuge' 'sanctuary', 'soft touch Britain' or 'national security' are not taken as settled, but rather constitute key sites of political struggle. As I explore in chapters five and six, government policy documents are one important site through which struggles over identity in respect of asylum are to be found. The 2002 White paper, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, for example sets out clear relations between those who are and who are not deemed to belong in Britain (those deemed 'genuine' as opposed to those suspected of being 'illegitimate' asylum seekers), in part by connotatively linking these differential positions to powerful ideas about national security in Britain and potential threats which might undermine this. As I shall demonstrate, asylum seeking and threats to national security are inextricably linked in their representation in *Secure Borders, Safe Haven*, constructed as mutually conditioning through often complex chains of signification. These identities are not just powerful *ideas* however they clearly produce material effects and determine actions. For example, the identification of an individual as 'legitimate' or otherwise determines how the asylum system will process their application (whether sanctuary is offered or refused, for example). Questions of identity and representation concerning asylum and refugee issues can therefore clearly bear substantial material consequences.

Hall explains that a 'binary system of representation' is typical of racism. Where difference is signified through, 'constructing impassable symbolic boundaries between racially constituted categories', it 'constantly marks and attempts to fix and naturalize the difference between belongingness and otherness.' (Hall 1992c: 225) Indeed, it could be argued that the typically binary character through which the othering or delegitimation of asylum seekers is articulated bears a strong resemblance to how theorists of racism have emphasised this works to reify difference in a hierarchy, or structure of dominance. Whereas as Miles notes, racist discourse operates through processes of racialisation whereby:

those instances where social relations between people have been structured by the signification of human biological characteristics in such a way as to define and construct differentiated social collectivities. (Miles 1989)

Anthias and Yuval-Davis note how this definition excludes what has (since the late 1970s) been termed the 'new racism' (Hall 1978: 26) through which social relations have been understood to have been structured along cultural rather than 'racial' lines, as well as the experiences of migrant groups or refugees who may be articulated as 'inferior', 'outsiders' or 'undesirable', but along national, political or cultural lines. As such, Anthias and Yuval-Davis assert:

We believe that the specificity of racism lies in its working on the notion of ethnic groupings. It is a discourse and practice of inferiorizing ethnic groups. Racism need not rely on a process of racialization. We believe that racism can also use the notion of the undesirability of groups, in the form in which they exist. This may lead to attempts to assimilate, exterminate or exclude. These may be justified in terms of the negative attribution given to culture, ethnic identity, personality as well as "racial" stock. (Anthias and Yuval-Davis 1992: 12)

What seems more important than 'race' or 'ethnicity' in these formulations is the binary structure of dominance characteristic of racist or culturally imperialist discourse. Exploring this discursive structure in operation is a central concern within the highly influential work of Edward Said on the discourse of Orientalism. Drawing on Foucault's theory of discourse, Said critically explores how the power and dominance of colonising powers over the colonised during the 18<sup>th</sup> and 19<sup>th</sup> centuries was reproduced and maintained, and how it has later continued to feed discourses of cultural imperialism, eurocentrism and mythical 'truths' of Western superiority in the postcolonial era. (Said 1985; Said 1993; Said 1997 [1981])<sup>9</sup> For Foucault, truths are produced discursively, because of the relation forged between power and knowledge: 'it is in discourse that power and knowledge are joined together.' (Foucault 1998: 100) Discourse is defined as a form, or rather a structure of 'knowledge', in which a system of thought is invested with power. What is held to be the

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<sup>9</sup> For Said, Orientalism is a discourse constructed during European colonialism. Drawing upon Foucault, Said demonstrates how Western colonial powers exercised, justified and reproduced their domination through power/knowledge. An important element of this was the construction of an image of Western superiority to the Orient through powerful classificatory systems premised upon binary oppositional chains (rational/emotional, strong/weak, culture/nature etc.) The West constructed knowledge about its oriental 'others' in order to control them and to maintain and justify their power. Said, E. (1985). Orientalism. Harmondsworth, Penguin.



'truth' about asylum can therefore be seen as inherently political - the outcome of an exercise of power:

power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. (Foucault 1991 [1977]: 27)

Foucault recognised that power was not concentrated in and emanating from 'the centre' or from the social structures and institutions of society. Rather, power was, through discourse, regarded to be "everywhere", inherent to our everyday lives and implicit in the manner in which individuals relate to one another in every social situation and relationship. Foucault argues:

Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power' where the character of power relationships is 'strictly relational' and 'points of resistance are present everywhere in the power network. (Foucault 1998@ 95)

This means that the term 'discourse' can be employed to refer to structures of meaning shaping 'everyday life' issues as well as the more formalised or institutional languages of society, for example that of 'the law' or 'medicine'. Discourses of racism are a clear example of 'everyday life' issues being part of this process of the structuring and restructuring of relations of power. Negatively framed identities are thus positioned within a system of meaning through language, which is manipulated toward the specific purpose of investing social relationships with differential value. As Foucault asserts, relations of power are not, 'in a position of exteriority with respect to other types of relationships (economic processes, knowledge relationships, sexual relations), but are immanent in the latter'. As such, relations of power are not simply, 'superstructural positions', but rather 'have a directly productive role, wherever they come into play.' (Foucault 1998: 94) This leads to discourses of racism establishing, for example, a binary relation between 'us' and 'them' and to the 'othering' of a negatively defined group or groups and, in the case of the asylum detainees, for example, the exclusion of their bodies from physically encountering those of the general resident population. To explain further, in the case of 'the asylum issue' a negatively defined discourse can be identified as constructing asylum seekers as a 'threat' to the wider society. The discourse of an 'asylum threat' is one that finds expression in a number of

recurrent themes in the tabloid print media, and in chapter four I begin to explore exactly how this sense of 'threat' is discursively constructed, considering popular notions such as, asylum seekers 'swamping' public services or as carriers of infectious diseases or unacceptable cultural attitudes.

Analysing the issue of asylum in terms of discourse can therefore expose the manner in which a particular group identity and the resultant attitudes towards those seeking asylum are constructed through language in a particular way (i.e. they are negatively framed, inviting fear and/or hostility or defensiveness). However, I would like to propose that an equally feasible alternative would be the construction of positive connotations regarding asylum seekers (i.e. the debates could take place in terms of hospitality, a spirit of cosmopolitanism and protecting the vulnerable). Yet, the means through which the subordination of asylum seekers *can* be discursively challenged are both difficult and complex, and racism and xenophobic 'truths' seemingly intractable social problems and very adaptable over time – a point I will discuss in further detail below in regard to the discursive legacies of asylum in the UK.

Whilst ideas about identity are powerful, it is nonetheless an inherently unstable construct. As Jacques Derrida's concept *différance* shows us, the question of identity is complicated by the inherent instability of relations of difference and processes of interpretation. (Derrida 1982a) *Différance* (meaning to differ but also to defer) refers to how the final meaning of anything is never ultimately reached, as, 'there is always more to be said, more to be done' about any meaning or identity. (Bowman 2008b: 192) Our relationship to the text<sup>10</sup> is always open to potential reworkings, to new definitions or interpretations: it is caught up in an ever expanding web of differences – a developing context or contexts. As I will explore in more

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<sup>10</sup> The term 'text' is used here in the sense that it is used in deconstruction to mean that all experience and relations are textual, read and interpreted in order to be constituted as meaningful. The concept is closely aligned with Laclau and Mouffe's claim (discussed in the next chapter) that there is no 'non-discursive terrain'. Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London & New York, Verso. (p.107) Both Derrida's argument that there is nothing outside the text and Laclau and Mouffe's work have been misinterpreted as contentions that nothing exists outside of linguistic representation. In *Limited Inc.* Derrida addresses this with his assertion that: 'The phrase which for some has become a sort of slogan, in general so badly understood, of deconstruction ("there is nothing outside the text" [*il n'y a pas de hors-texte*]), means nothing else: there is nothing outside context.' Derrida, J. (1988 [1977]). *Limited Inc.* Evanston, IL, Northwestern University Press. p.136)

detail in the next chapter, because the system within which meaning is generated (the text, or discourse) is not closed and limited as structuralists imagined, meanings (identities) are necessarily far more unstable, always potentially in flux and not fixed by reference to any universalising law or norm. All meaning is produced through acts of interpretation – which are both transformed by and transforming of the very things a decision is to be made about. The production of meaning - the outcome of acts of interpretation - is for Derrida always the result of decisions made under conditions of *undecidability*. (Derrida 1977)<sup>11</sup> As Bowman notes, every decision made is therefore ‘a forceful and consequential act’. (Bowman 2008b: 202)

This argument is set out in Derrida’s essay, ‘Force of Law’ where the decision is linked to the concept of justice. (Derrida 1990) Here the point is made that the application of rules, or acting according to the regulations may well be ‘legal’, but that does not necessarily mean that they are just. Indeed, it is only in through act of intervention, a ‘cut’, which averts from the programmatic application of rules to actively interpret and judge that justice can come into play. According to Bates:

Every true decision had to endure what Derrida again calls the "ordeal" of the undecidable - the undecidable being all that is "foreign" and heterogeneous to calculation and determination. The undecidable was not, he said forcefully, some kind of hesitation, an oscillation between two contradictory significations, or rules, or decisions. It needed to be understood as that experience of "giving oneself up" to the idea of the "impossible" decision. (Bates 2005: 6)

Derrida explains that the decision is ‘impossible’ because:

The undecidable remains caught, lodged, at least as a ghost – but an essential ghost – in every decision, in every event of decision. Its ghostliness deconstructs from within any assurance of presence, any certitude or any supposed criteriology that would assure us of the justice of a decision, in truth of the very event of a decision. Who will ever be able to assure us that a decision as such has taken place? That it has not, through such and such a detour, followed a cause, a calculation, a rule, without even that imperceptible suspense that marks any free decision, at the moment that a rule is, or is not, applied. (Derrida 1990: 965)

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11 According to Derrida: ‘A decision can only come into being in a space that exceeds the calculable program that would destroy all responsibility by transforming it into a programmable effect of determinate causes. There can be no moral or political responsibility without this trial and this passage by way of the undecidable. Even if a decision seems to take only a second and not to be preceded by any deliberation, it is structured by this experience and experiment of the undecidable.’ Derrida, J. (1988 [1977]). Limited Inc. Evanston, IL, Northwestern University Press.(p.116)

As such every decision remains to some extent at least unjust – the outcome of a rational process and made for some reason. As Bates notes, ‘Decisions are determined, that is, by some prior content of some kind’, and there can be no moment where a decision can be fully just, ‘because it either has not yet been made, or it has been made, which means it has been made according to some prior rule’. (Bates 2005: 7) It is the work of deconstruction in recognising undecidability in every decision that for Derrida renders deconstruction itself ‘a kind of justice’. (Derrida 1990: 965)

The experience of identity *as* undecidable has been noted as a characteristic of late modernity. (Bauman 1996; Bauman 2006 [2004]) For Bauman, identity – how we are positioned, and position ourselves in relation to others - in the modern era becomes associated with a problem rather than taken for granted. Identity names a fundamental task – that of seeking escape from the uncertainty of whether or not one belongs. In this, Bauman’s argument seems close to that of Hall, who suggests identity is usefully thought about as *identification* – as ‘a process never completed’, where identity is always a ‘a matter of “becoming” as well as of “being”’. (Hall 1995: 3)<sup>12</sup> For Bauman too, identity, ‘has the ontological status of a project and a postulate’ – a project which is concerned with:

how to place oneself among the evident variety of behavioural styles and patterns, and how to make sure that people around would accept this placement as right and proper, so that both sides would know how to go on in each other's presence.  
(Bauman 1996: 19)

However, whether or not ‘both sides’ will make sense of a particular ‘placement’ of identity as ‘right and proper’, is by no means certain or even entirely possible. There is unlikely to be consensus over the final meaning (even over seemingly the most settled of identities)

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12 Like Bauman, Hall’s anti-essentialist conception of identity disturbs its temporal location in the present or of the past: ‘It belongs to the future as much as to the past. It is not something which already exists, transcending place, time, history and culture. Cultural identities come from somewhere, have histories. But, like everything which is historical they undergo constant transformation. Far from being eternally fixed in some essentialised past, they are subject to the continuous “play” of history, culture and power. Far from being grounded in a mere “recovery” of the past, which is waiting to be found, and which, when found, will secure our sense of ourselves into eternity, identities are the names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past.’ Hall, S. (1990) ‘Cultural Identity and Diaspora’, in J. Rutherford (Ed.), *Identity: Community, Culture, Difference*. London, Lawrence & Wishart. (p.225)

because, as Hall argues, identity is, 'subject to the "play", of *difference*'. (Hall 1995: 3) From this perspective, identity can neither simply be seen as a personal 'problem', nor identification an entirely individual act. Rather, the subject as a rationally willed, unified individual agent with a singular identity has, as Hall argues, has been undermined as a credible idea through anti-essentialist theoretical perspectives within deconstruction, but also feminism, psychoanalysis and Marxism. Instead, Hall argues:

The subject assumes different identities at different times, identities which are not unified around a coherent 'self'. Within us are contradictory identities, pulling in different directions so that our identifications are continuously being shifted about. (Hall 1992a: 277)

In late modernity, there are a 'multiplicity' of identities with which it might be possible to identify and these opportunities might also be 'fleeting'. (Hall 1992a: 277) The decentring of the subject allows for a conception of identity as multiply positioned or differentiated – such that an individual might be said to simultaneously hold many, and even contradictory 'subject positions'. As I will explore in more depth in the next chapter, such insights have necessitated a reassessment of fundamental presuppositions about political agency and the political actor as primarily a class subject within traditional Marxist theory.

### **The Reformulation of 'Left' Politics**

Cultural and social theorists of racism have critiqued Marxist assumptions that social relations which subordinate particular groups on the basis of 'race' or 'ethnicity' can simply be conceptually reduced to an ideological function of class politics. (Anthias and Yuval-Davis 1992; Hall 1996; Hall 1996 [1986]; Gilroy 2002 [1987]; Butler and Spivak 2007) Some have emphasised how racism has been fundamental to the development of capitalism. For Miles, for example, racism is something that, 'underlines the contingent and discontinuous nature of class formation.' (Miles 1993) Sivanandan's work from the 1960s has also consistently argued that racism is integral to the production and maintenance of dominant social relations in capitalist society, his more recent work considering the relationship between racism, the British state and civil liberties in a time of 'globalisation' and the so called, 'war on terror'. (Sivanandan 1982; Sivanandan 2006; Sivanandan, Peirce et al. 2007) For Gilroy it was important to break down the ontological privileging of class, and to understand that 'class is not something given in economic antagonisms which can be expressed straightforwardly in political formations'. (Gilroy 2002 [1987]: 30) Hall's assertion that

classed experiences are mediated through the lens of 'race', and that 'race is the modality in which class is lived' perhaps seems equally to simplify what now would appear rather more complex questions surrounding the formation and experience of identity. (Hall, Critcher et al. 1978: 394; Hall 1996: 55) Hall's later summary of the field explores and rejects as reductionist the subsuming of questions around ethnic relations to a function of economic relations, insisting instead upon a more pluralist approach and the multiplicity of structuring forces. In linking this theoretical argument directly to practical politics, Hall asserts:

if ethnic relations are not reducible to economic relations then the former will not necessarily change if and when the latter do. Hence, in a political struggle, the former must be given their due specificity and weight as autonomous factors. (Hall 1996: 307)

For Slack, such arguments have contributed importantly to the 'anti-reductionist turn in cultural studies', which:

effectively disempowered the possibility of reducing culture to class or to the mode of production and rendered it possible and necessary to re-theorise social forces such as gender, race and subculture as existing in complex - articulated - relations with one another as well as with class. (Slack 1996: 121)

Hall's engagement with the theory of articulation presents a more complex picture of how different, even conflicting subject positions can be held and to mediate experience. As such, as I shall explore in depth in chapter three, the concept of 'articulation' as it has been developed in the discourse theory of Ernesto Laclau and Chantal Mouffe is a key influence upon my approach. Whilst Hall distanced his approach from that of Laclau and Mouffe in terms of its supposed 'dissolution of everything into discourse', in later clarifications of their rejection of a non-discursive terrain, Hall's work seems far more aligned with their theoretical perspective. (Hall 1996 [1986]: 418)<sup>13</sup> Discourse theory, and the concept of articulation in particular has been very influential for Hall and others in moving beyond the

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13 In 'Authoritarian Populism: A Reply to Jessop et al.', Hall asserts: 'But I have long ago definitively dissociated myself from the discourse theoretical approach to the analysis of whole social formations, or even from the idea that the production of new subjectivities provides, in itself, an adequate theory of ideology (as opposed to a critical aspect of its functioning). I have characterized that as a species-long familiar to the tradition of "Western Marxism" of neo-Kantianism. In doing so, I have also tried carefully to demarcate the immensely fruitful things which I learned from Ernesto Laclau's *Politics and Ideology in Marxist Theory* from the dissolution of everything into discourse which, I believe, mars the later volume, *Hegemony and Socialist Strategy*, despite its many insights.' Hall, S. (1988b [1980]). *Authoritarian Populism: A Reply to Jessop et al. The Hard Road to Renewal: Thatcherism and the Crisis of the Left*. S. Hall. London & New York, Verso.(p.157)

class reductionism and 'economism' of classical forms of Marxism<sup>14</sup> where, 'all other dimensions of the social formation' were seen as, 'simply "mirroring" the economic on another level of articulation, and as having no other determining or structuring force in their own right' (Hall 1996 [1986]) and reformulating what it means to engage in the politics of 'the left'. (Rutherford 1990) As Rutherford notes, the encounter between traditional 'left' politics (based upon classical Marxist precepts) and the development of identity politics especially in the 1980s and 1990s confronted 'traditional' left politics with its own contradictions, a decentring force in political and theoretical terms. At a time in which 'actually existing' socialist politics was breaking down (in the form of the decline and demise of the Soviet Union), and the forces of neo-liberal globalisation dislocating the economic and social structures of Western societies and disturbing the identities of their political subjects, it was necessary, as Wendy Brown argues, for 'the Left' to 'resist melancholia'. (Brown 2000) It is important, Brown argues, to accept and move beyond the loss of a Left political project, the apparent ontological and epistemological certainties of which had been premised upon unsustainable myths. What this does not mean, however, is a capitulation to the prevailing hegemonic forces of neo-liberal capitalism and abandonment of political thinking, but rather an acceptance of the 'need to reformulate a Left project' in Laclau and Mouffe's terms. (Laclau and Mouffe 1985) This is much more than a 'theoretical choice'. Rather, it 'is an inevitable decision' for tackling contemporary issues of social and political concern'. (Laclau and Mouffe 1985: 2) They argue that:

the problem with "actually existing" liberal democracies is not with their constitutive values crystallized in the principles of liberty and equality for all, but with the system of power which redefines and limits the operation of those values. This is why our project of "radical and plural democracy" was conceived as a new stage in the deepening of the "democratic revolution", as the extension of the democratic struggles for equality and liberty to a wider range of social relations. (Laclau and Mouffe 1985: xv)

Laclau and Mouffe's post-Marxist theoretical approach (which will be explored in depth in the next chapter) is important because it opens up the possibility for a more plural politics through a deepening or radicalising of democracy. Unlike the approaches of so called, 'third

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<sup>14</sup> As I will explore in more detail in the next chapter, economism, as Hall asserts refers to, 'a specific theoretical approach which tends to read the economic foundations of society as the only determining structure.' Hall, S. (1996 [1986]). *Gramsci's Relevance for the Study of Race and Ethnicity*. Stuart Hall: Critical Dialogues in Cultural Studies. S. Hall, D. Morley and K.-H. Chen. London, Routledge.

way' or consensual approaches to politics Laclau and Mouffe insist upon the antagonistic character of the political.<sup>15</sup> Mouffe's work especially vigorously challenges the 'third way' response to a crisis of the 'Left wing' project (the work of Ulrich Beck, Anthony Giddens and Jürgen Habermas are particularly subjected to critique), as anti-democratic - precluding, in advance, an engagement with relations seen as incompatible with the status quo. (Mouffe 2005)

### **The Politics of Legitimate and Illegitimate Asylum identities**

Indeed, such developments in cultural and political theories of identity have been necessary in seeking to account for and explain the experience of identity and social relations. In the context of late or 'liquid' modernity (to use Bauman's preferred metaphor) where older 'certainties' concerning cultural or political identity seem to have been fundamentally destabilised or fragmented, (Bauman 2006a) the idea of a 'unified, completed, secure and coherent identity' is best seen as a 'fantasy', a fantasy which, as Hall notes, serves a fundamental political purpose – fixing one's sense of one's place in the world in relation to that of 'others'. (Hall 1992a: 277) This fantasy also performs an important role in terms of identifying of who does and does not 'belong' in a group or place and how this is to be 'decided'. In racist discourses, for example, Gilroy argues:

Acceptance that race, nationalism, and ethnicity are invariant relieves the anxieties that arise with a loss of certainty as to who one is and where one fits. The messy complexity of social life is thereby recast as a Manichaeian fantasy in which bodies are only ordered and predictable in the inaccessible interiority of the genome. The logics of nature and culture have converged, and it is above all the power of race that ensures they speak in the same deterministic tongue. (Gilroy 2004a: 6)

However, in respect of the negative discourses surrounding asylum seekers, as discussed above, the exclusionary forces are neither necessarily explicitly articulated through the modality of 'race' through a logic of nature or culture, or class in any straightforward way.

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15 In the preface to the second edition of *Hegemony and Socialist Strategy*, Laclau and Mouffe argue: The basic tenet of what is presented as the "third way" is that with the demise of communism and the socio-economic transformation linked to the advent of the information society and the process of globalization, antagonisms have disappeared. A politics without frontiers would now be possible – a "win-win politics" where solutions could be found that favoured everybody in society. This implies that politics is no longer structured around social division, and that political problems have become merely technical. Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London & New York, Verso. (pp. xiv-xv)



For Bauman, asylum seekers are demonised through the mythologies sustaining 'liquid modernity', of which 'overpopulation' is a very important example – legitimated by demographic knowledge. (Bauman 2004) According to Bauman's argument, an 'overpopulated' world (designated as such in accordance with the labour supply needs of the neo-liberal capitalist system), can no longer deal with its 'surplus' through old methods (for example, through emigration policies to populate the uncharted territory of the 'new world'). As a result, there is now a growing problem of 'human waste' in the centre (the indigenous unemployed), compounded by the migration of further redundant or conflict ravaged populations from the periphery seeking a better life in the West. (Bauman 2004; Bauman 2005; Bauman 2006 [2004]) The fallout of modernity, according to Bauman is surplus, waste, or unwanted objects in both inanimate and human form. This is not a new phenomenon, but has operated as a structural aspect of modernity since its exception. What have been necessitated by this waste are dumping grounds or repositories for the surplus. These places have, in the past, been discovered in the 'pre-modern' or 'under-developed' areas of the globe, 'waste' processed away from the 'centres' of modernity. However, now that the global market has extended throughout the world, there are increasingly fewer options for 'waste disposal', whilst simultaneously, more and more waste is produced. Humans deemed 'surplus to requirements' according to Bauman therefore, are literally refuse-d, condemned as 'human waste' by the contemporary capitalist system. Drawing upon Agamben's *Homo Sacer*, Bauman notes:

The "underclass" is a motley collection of people who [...] have had their "bios" (that is, the life of a socially recognized subject) reduced to "zoë" (purely animal life, with all its recognizably human offshoots trimmed or annulled). Another category that is meeting the same fate are the refugees – the stateless, the *sans-papiers* - the non-territorials in a world of territorially grounded sovereignty. While sharing the predicament of the underclass, they are, on top of all the other deprivations, denied the right to a physical presence within the territory under sovereign rule except in specially designed "non-places", labelled as refugee or asylum-seeker camps to distinguish them from the space where the rest, the "normal", the "complete" people live and move. (Bauman 2006 [2004]: 39-40)

Whereas a central role played by governments in the past was to protect their inhabitants from the excesses and brutalities of capitalism – i.e. through the operation of the social state, or in Britain the 'welfare state', this role has been weakened and rolled back.

Governments no longer promise to provide protection as a justification for their authority and to legitimise the hegemony of the capitalist system. Rather, according to Bauman, governments no longer promise to protect their citizens from capitalism, in part, according to Bauman because they are no longer capable of making such promises. (Bauman 2006 [2004]) Instead 'liquid modernity' requires those within the system to take responsibility for their own unpredictable and ever changing social and economic circumstances, endlessly adapting to fit the needs and fluid demands of the system. (Bauman 2006a)

Therefore, an alternative justification for state power is necessary, according to Bauman, and this is expressed through the demonization of certain figures as objects of fear, including asylum seekers. Serving as scapegoats for an array of social problems, Kushner also argues, asylum seekers symbolise a need for state action to contain and repress perceived threats and thus allay fears:

Rather than representing any real threat, asylum seekers have become scapegoats for those anxious about the world around them, about contemporary concerns such as health provision and job security, and, less tangentially, about a threatening future and a rapidly changing and increasingly complex global community whose very presence in their midst undermines the illusion of belonging to an exclusive and comforting nation-state. (Kushner 2003: 262)

The emasculation of the welfare state and changing relation between the nation-state and its citizens represents an important cultural shift which, it could also be argued, is significant for asylum in other ways. As Paul du Gay explains, radical reforms to public services since the 1990s, towards what was termed 'New Public Management' or 'entrepreneurial governance' initiated new contractual modes of governance which redefined the relationship between the state and the public. New responsibilities were placed upon the individual (termed 'empowerment'), and a greater emphasis upon competition and performance as a means through which efficiency and organisational and individual goals might be maximised.

Because a human being is considered to be continuously engaged in a project to shape his or her life as an autonomous, choosing individual driven by the desire to optimize the worth of its own existence, life for that person is represented as a single, basically undifferentiated arena for the pursuit of that endeavour. Because previously distinct forms of life are now classified primarily if not exclusively as "enterprise forms", the conceptions and practices of personhood they give rise to are remarkably consistent. As schools, prisons, governmental departments and so

forth are re-imagined as "enterprises" they all accord an increased priority to the "entrepreneur" as a category of person. In this sense, the character of the entrepreneur can no longer be represented as just one amongst a plurality of ethical personalities but must be seen as assuming an ontological priority. (Du Gay 2008 [1996]: 157)

This is significant because these changes have penetrated the style of governance of immigration and asylum issues, including the conduct of immigration officers and organisational practices of agencies of government concerned with managing immigration, such as the UK Borders Agency. Indeed, elements of the asylum system are run on a commercial basis, contracts for the transportation and detention of immigration detainees, for example, providing an important example of this. (Bacon 2005) More indirectly, however, the 'ontological priority' afforded to entrepreneurial individualism might contribute to cultural expectations of asylum seekers, their motivations and behaviours as individual humans making decisions about their personal futures. As 'hard working' or 'respectable' citizens, the responsibility to behave in this way is a daily endeavour, even if, perhaps, this is likely to be a largely fruitless endeavour:

This idea of an individual human life as "an enterprise of the self" suggests that no matter what hand circumstance may have dealt a person, he or she remains always continuously engaged (even if technically "unemployed") in that one enterprise, and that it is "part of the continuous business of living to make adequate provision for the preservation, reproduction and reconstruction of one's own human capital" (Gordon, cited in Du Gay 2008 [1996]: 155)

Discourses positing asylum seekers as 'bogus', or as 'economic migrants in disguise' are, I would contend, haunted by these familiar expectations that all individuals should and will operate above all, as entrepreneurs of the self. Behind the dehumanising narratives of asylum seekers as 'human cargo', is perhaps the 'realist' assumption that all, including asylum seekers, are encouraged to believe that the route to survival lies in recognising our personal commercial interests as our primary responsibility. As Threadgold argues, neoliberal discourses position all subjects, including asylum seekers, as individuals compelled to assume the responsibility for their own subjection by the forces of neoliberalism:

What is said here of working class women (and men) living lives ostensibly "protected" by the nation-state, is equally relevant to the "stateless" asylum seekers [...]. The difference of course is that they are not protected by any nation state, and

that they are paradoxically denied any individuality by (among others) the homogenising political, policy, media and legal discourses which label and dehumanise them. And yet, they are seen as having "chosen" to be asylum seekers, "chosen" to come to "soft-touch" Britain, and are required to self-manage and to renarrativise their own identity with resource to little else but their own psychology, and in opposition to a powerful mediatised narrative which works through many institutions to make them unrecognisable to themselves on a daily basis. (Threadgold 2006: 225)

Indeed, the subjection of all to these kinds of neoliberal positionings may help to explain the outrage expressed and the rhetorical power of a construct such as 'asylum shopping' which appeared in media and political discourse surrounding Sangatte and discussions of the Dublin Conventions, as I discuss further in chapter four.

Indeed, the issue of the ease with which asylum seekers might be able to arrive at British borders has, it seems been a predominant theme in media and political discourse. Steve Cohen echoes Bauman's arguments in his observation that numbers and population management have been dominant concerns within the asylum debate:

Constant through all the arguments for immigration controls has been the assertion that the presence of migrants, immigrants or refugees somehow disturbs a supposedly natural demographic balance and leads to overpopulation. (Cohen 2003: 67)

As such, the management of the population is, often implicitly but sometimes explicitly, represented as a rational justification for understanding asylum as a 'crisis'. The expression of population management concerns through debates about scarce public resources and services under pressure (for example, health and education, welfare and social services such as housing), as well as the availability of employment opportunities provides a meaningful social and civic content to the argument to restrict asylum, and all are paradigms through which a concern with maintaining the 'demographic balance' has been articulated. This idea has frequently been premised upon a concern about supposedly unsustainable numbers of new arrivals as well as the scale of the presence of asylum seekers already in the country, which analysts of media and political discourse have often termed 'the numbers game'. (Clarke 1998; Kaye 2001b; Sayeed 2003) The logic for 'keeping asylum numbers low' is articulated as rational and 'common sense' through a kind of balance-sheet rhetoric which posits the reaffirmation of 'our liberal credentials' and 'our proud history' of providing

sanctuary to those who 'deserve it' against the supposed damage caused by unchecked numbers of non-genuine asylum seekers and refugees. The 'gravity' of these issues has been further heightened through the regular association of asylum and refugee issues with matters relating to fraudulent activities and crime. A larger presence of asylum seekers within the population has also been linked to social control more generally. This has often been related to presumed cultural differences and the potential for a racist backlash from the 'host' population towards 'newcomers' - an issue which came to the fore particularly around the 'dispersal scheme' introduced after the Immigration and Asylum Act 1999. (HMSO 1999)

This discourse is so entrenched that even those who seek to campaign on behalf of asylum seekers through 'myth busting' often reproduce its logic, emphasising the minimal impact of the asylum seeker presence upon demography and the 'valuable contribution' asylum seekers make in British society. For example, in a leaflet created by the National Assembly Against Racism (NAAR), *Myth-Busting Facts and Figures about Refugees and Asylum Seekers*, it is emphasised that: Britain ranks only 18th among 50 industrialised countries in the world when comparing the numbers of asylum seekers to the population of the host country,' and includes a number of examples of how asylum seekers and refugees have 'enriched' UK society, including the '30,000 jobs created in Leicester by Ugandan Asian refugees who settled in the city in the 1970s'. (National Assembly Against Racism 2006) Whilst presenting a rather different perspective than the negative narratives surrounding asylum in the majority of the mainstream press, these arguments do little to subvert the dominant discourse and its default logic that a problem arises when the potential drain on resources outweighs the potential benefits.

In their critique of 'the numbers game' and the measures of asylum control concerns about numbers are considered to justify in media and political discourse, Bloch and Schuster note that:

although the numbers have never reached the levels of the early 1990s, the measures introduced are not eased, but are added to – indicating that the "crisis" itself has little to do with numbers. (Bloch and Schuster 2005b: 492)

In these terms, the 'asylum crisis' seems not so rationally defined but rather an consequence of something else articulated within the dominant discourse on asylum. Perhaps this is because the idea of the entrepreneurial asylum seeker functions as a supplement within discourses surrounding asylum and the 'crises' facing the UK immigration and asylum system under New Labour. The numerous reforms to the system belie an anxiety about its bureaucratic inadequacies, its inefficient and ineffectual processes 'apparently' requiring continuous renewal and technological development in the face of the entrepreneurial spirit and individual endeavours of those who would seek to exploit its weaknesses. As Jordan and Brown contend:

The politics of 'asylum abuse', which entered the public realm around the time of the 1992 general election, was mainly concerned with the benefits and services available to asylum seekers. Under pressure from repeated media campaigns, during the 1990s, governments focused on limiting asylum claims, arguing that they were often disguised forms of 'economic migration', which were potentially damaging both for employment rights of UK citizens and for social cohesion. (Jordan and Brown 2006: 10)

Here asylum is no longer primarily concerned with 'sanctuary' or 'hospitality' – but rather is signified as a system and personified as a victim of 'abuse'. Instead of a structure providing protection, the asylum system is rearticulated as that which requires protection from exploitation.

The combination of concerns about the asylum seeker presence, and of further potential 'influxes' then, constitutes a key element upon which an 'asylum crisis' has been premised. A preoccupation with population management continues to provide a steadfast rationale justifying the introduction and renewal of policies which are designed to control or 'manage' asylum seeking and/or the asylum system, and an over-emphasis upon numbers has also been well documented as articulating a dehumanising media and political discourse where the contexts from which asylum is sought are obscured. (Speers 2001; Buchannan 2003; ICAR 2004) Furthermore, as Bauman notes, in an age of globalisation:

Refugees have become, in a caricatured likeness to the new power elite of the globalised world, a sign of the rootlessness of the present-day human condition, and hence a focus for the sense of precariousness that feeds many present-day human fears and anxieties. Such fears and anxieties have been displaced into the popular resentment and fear of refugees, since they cannot be defused or dispersed in a

direct challenge to that other embodiment of extraterritoriality – the global elite that drifts beyond the reach of human control. (Bauman 2005: 98)

It is perhaps at moments when this ‘caricature’ is articulated most ambiguously that discourses surrounding the supposed ‘abuse’ of the asylum system become most powerful, speaking to potential political antagonisms organised around Massey’s ‘power geometry’ (discussed above) and the idea that asylum seekers could be delivered from abject status to a cosmopolitan subject position via ‘our’ hospitality. As such, asylum seekers threaten to radically disrupt the order of things, short circuiting our own aspirations to privilege in security and access to global mobility.

### **Cosmopolitanism, Illegality and Abjection**

According to Bauman therefore, asylum can be seen as a human resource management problem which defies the previous stratagems which have functioned as a kind of safety valve for capitalism. The crisis arises ‘once the channels for draining human surplus are blocked’: that which is surplus to requirements of the capitalist system cannot be ‘cast out’ because so little space remains that is not already within the system. As Bauman explains:

As the “redundant” population stays inside and rubs shoulders with the “useful” and “legitimate” rest, the line separating a transient incapacitation from a peremptory and final consignment to waste tends to be blurred and no longer legible. Rather than being – as before – a problem for a separate part of the population, assignment to “waste” becomes everybody’s potential prospect – one of the two poles between which everybody’s present and future social standing oscillates. (Bauman 2005: 92)

But in order to see the denial of subjectivity of asylum seekers in anti-reductionist terms, I would argue it is necessary to look beyond the economic. One key site where the differentiation between subject and non-subject, legitimacy and illegitimacy is determined is the law itself. Prior to 1993, there were no UK laws that specifically dealt with asylum seekers and refugees. Instead, asylum was covered by legislation more generally concerned with governing immigration. Since then, however, a succession of new and ever more restrictive asylum laws have been introduced (as discussed in the introduction and developed in more detail in chapters four and five). Irrespective of the content of these new laws, in their very existence *as law*, (and the processes through which they come to be passed) they have performed an important symbolic function because, as Hall et al. argue:

The law [...] comes to represent all that is most impartial, independent, above the play of party interest, within the state. It is the most formal representation of universal consent. Its "rule" comes to stand for the social order – for "society" itself. Hence a challenge to it is a token of social disintegration. In such conjunctures "law" and "order" become identical and indivisible. (Hall, Critcher et al. 1978: 208)

In this context the apparent necessity to introduce new law represents a response to a supposed challenge (or potential challenge) to the social order. A distinction can be drawn between particular laws (e.g. *UK Borders Act 2007*)<sup>16</sup> and *the law* as such. However, the separation between the particularity of certain legal measures and their universal function as a normative ground signifying social order or 'society' is never absolute. Rather, as Laclau notes, there is a structural relation between the universal and the particular which means that they are always mutually implicated:

I cannot assert a differential identity without distinguishing it from a context, and, in the process of making the distinction, I am asserting the context at the same time [...] The universal emerges out of the particular not as some principle underlying and explaining the particular, but as an incomplete horizon suturing a dislocated particular identity. (Laclau 1996a: 27-8)

As such, asylum seekers are not only the target of particular legislative measures, but always already positioned on the 'wrong side' of the law. They are not only subjected to the law, but are not in any ordinary sense, subjects of the law. Rather, they are external to its relations, and occupy a position which readily facilitates their representation as antagonistic to the social order. If antagonism is established between an existing order and identities external it, identities which cannot operate within its terms, then asylum seekers seem to fit the profile of a potential antagonist. As Laclau notes, 'with antagonism, rules and identities are *violated*: the antagonist is not a player, but a cheat.' (Laclau 1990: 11) As figures with no officially or legally recognised status in the UK, (e.g. as a citizen, or denizen), asylum seekers are denied a subject position as such. As Bauman notes:

While the term "refugee" has a specific international legal genealogy, the term "asylum-seeker" gained political and popular currency in the UK in the early 1990s.

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16 This piece of legislation includes measures to further increase the police-like powers of immigration officers in certain situations, and formalises powers to collect and share biometric information of immigrants with other agencies. It also includes automatic deportation measures for foreign offenders – a response to the 'foreign prisoners deportation row' in the summer of 2006 which is discussed further in Gross, B., K. Moore, et al. (2007). *Broadcast News Coverage of Asylum April to October 2006: Caught Between Human Rights and Public Safety*. Cardiff, Cardiff School of Journalism, Media and Cultural Studies.



In contrast to the term refugee, which names a (legal) status arrived at "asylum-seeker" invokes the non-status of a person who has not been recognized as a refugee. Asylum-seekers are literally pending recognition. (Bauman 2005: 100)

Some scholars have likened this condition of exclusion and non-recognition as one of abjection: where asylum seekers as liminal figures are signified as lacking a positive identity, or, as Butler asserts, as abject beings positioned at the limits of social existence:

In those "unliveable" and "uninhabitable" zones of social life which are nevertheless densely populated by those who do not enjoy the status of the subject, but whose living under the sign of the "unliveable" is required to circumscribe the defining limit of the subject's domain. (Butler 1993: 3)

Nyers also discusses the positioning of asylum seekers in terms of abjection. He echoes many other analysts of media or political discourse in his contention that global migrants (including asylum seekers) who are denied a 'legitimate' identity are:

increasingly cast as the *objects* of securitised fears and anxieties, possessing either an *unsavoury agency* (i.e. they are identity-frauds, queue jumpers, people who undermine consent in the polity) or a *dangerous agency* (i.e. they are criminals, terrorists, agents of insecurity). (Nyers 2003: 1070)

As such, he argues, they are excluded from 'normal' social life through the regulatory and policing practices of the control agencies: 'in their desire to manage and control the migration process, these border control policies are creating an abject diaspora - a "*deportspora*.'" (Nyers 2003: 1070) As Tyler notes: 'British asylum laws have produced an 'illegal' population who are denied the status of subject-citizen [...] the underside of the cosmopolitan face of Britain. (Tyler 2006: 189) Refused a social existence or community, refused asylum seekers, as I discuss in more detail in chapters five and six, are subjected to technologies of removal or containment from the rest of the population (detention, deportation and latterly electronic tagging) which designate them, in Butlers terms, 'spectral humans' who are 'deprived of ontological weight and failing the tests of social intelligibility required for minimal recognition' and produced as 'stateless':

the stateless are not just stripped of status but accorded a status and prepared for their dispossession and displacement; they become stateless precisely through complying with certain normative categories. As such, they are *produced* as stateless at the same time that they are jettisoned from juridical modes of belonging. This is one way of understanding how one can be stateless within the state, as seems clear for those who are incarcerated, enslaved, or residing and

labouring illegally. In different ways, they are, significantly, ordained within the polis as its interiorized outside. (Butler and Spivak 2007: 14-16)

Indeed, the category of abjection allows for an understanding of asylum seekers as the *constitutive outside* (a term which is discussed in more detail through the work of Laclau and Mouffe in the next chapter) a category which is both threatening to and necessary for the identity of 'us' insiders. For Kristeva the abject is not another identity exactly, but the 'radically excluded':

The abject has only one quality of the object - that of being opposed to *I*. If the object, however, through its opposition, settles me within the fragile texture of a desire for meaning, which as a matter of fact, makes me ceaselessly and infinitely homologous to it, what is *abject*, on the contrary, the jettisoned object, is radically excluded and draws me toward the place where meaning collapses. (Kristeva 1982: 2)

Indeed, as McRobbie explains, an abject status 'represents the unrepresentable' and refers to, 'those various bodies in the body politic denied the status of fully human and thus who confound and unsettle the principles upon which contemporary sociality is based'. (McRobbie 2005: 189)

Some studies have sought to explore the political efficacy of alternative discourses surrounding asylum, examining the extent to which migrants and their supporters in pro-migrant, or asylum rights organisations can intervene to change the debate surrounding these issues, (Flynn 2006) or emphasising the potential political agency of asylum seekers and refugees, and how they have sought to construct their own identities in relation to and against these dominant negative discourses. (Nyers 2003; Leudar, Marsland et al. 2004; McNevin 2006; Moore and Clifford 2007; Sim and Bowes 2007) However, those studies which draw upon the political role of exclusion or abjection are perhaps most convincing in articulating a political efficacy in terms of challenging the dominant discourses surrounding asylum and refugee issues. For Nyers for example, from this non-position, neither inside nor fully outside of social and legal relations, it is possible for asylum seekers to radically disturb the order of things and therefore challenge their position. Abject cosmopolitanism, for Nyers, 'does not aim for a higher ground so much as burrow into the apparatuses and technologies of exclusion in order to disrupt the administrative routines, the day-to-day

perceptions and constructions of normality'. (Nyers 2003: 1089) Through articulating cosmopolitanism with abjection, through political strategies such as the insistence that *No one is illegal*, Nyers contends:

The abject put the question of the speaking subject front and centre, under the limelight of critical scrutiny, and as an object of radical re-taking. They provoke fundamental questions about politics: Who speaks? Who counts? Who belongs? Who can express themselves politically? In short, who can be political? When speechless victims begin to speak about the politics of protection, this has the effect of putting the political into question. This is what makes 'no one is illegal' such a radical proclamation. Our received traditions of the political require that some human beings be illegal. To say that no human is illegal is to call into question the entire architecture of sovereignty, all its borders, locks and doors, internal hierarchies, etc. (Nyers 2003: 1089)

Focusing upon protest action, Nyers argues that as 'non-status activists' asylum seekers engage in what Honig calls a 'taking-subjectivity' – where non-subjects employ strategies to 'take voice' and 'take space' to politicise their situations and render themselves visible and *subjects* of the exercise of state sovereignty in its contestation of and resistance to these acts of 'taking subjectivity'. (Honig 2001) Such activities might be considered to include actions such as the responses of asylum seekers to racism or other ill-treatment in detention, such as that represented by the protests and fire at Yarl's Wood detention centre in February 2002, for example; the numerous hunger strikes of detainees and those facing deportation; or the symbolic bodily 'self-mutilation' such as that of Iranian Kurdish asylum seeker Abas Amini who sewed up his eyes, lips and ears in protest at the Home Office's appeal against a ruling to grant him asylum in May 2003. (Adams 2003)<sup>17</sup> For Nyers:

These tactics have been proven to be important for how they disrupt the administration, the routines, and, above all, the "normality" of deportations. They are also significant, however, as a form of taking-politics: delegation visits allow the non-status, those who have "no part", to assert their political voice; the creation of sanctuary zones similarly allows for a re-casting of political space. Understood together, these tactical measures are crucial to the possibilities of an abject cosmopolitan political agency. (Nyers 2003: 1080)

McNevin also points to similar acts of asylum seeker resistance, which he terms 'insurgent citizenship'. In relation to the sans-papiers movement in France he argues:

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<sup>17</sup> Amini's protest was resonant with earlier reports of asylum detainees protesting their detention in a similar way at Australia's Woomera detention camp in 2002.

The Sans-Papiers undermine *and* reinscribe the territorial and citizenship boundaries against which they struggle. They draw on a discourse of French nationalism that reinvigorates the bounded community of the state. At the same time they mobilize transnational norms and allegiances which challenge the authority and territoriality of the polity. The aims of the Sans-Papiers reflect this paradox. They demand that the exclusivity determining rights of access and membership to France be removed. They also seek formal inclusion within France via regularization in such a way as to accept and reinforce its existing boundaries. (McNevin 2006: 146)

In chapters five and six, the extent to which these ideas of 'taking subjectivity' operate will be explored further in relation to the detention and the deportation of asylum seekers in two different case studies. In the next section, I develop my discussion of the politics of identity by focusing upon the 'inside', the construction of 'the nation' and the identity of those who 'belong', examining the ways in which literature exploring national identity and nationalism is useful for explaining contemporary discourses surrounding asylum.

### **Nationalism, Migration and the Crisis of the Nation State**

In the discussion above, I have begun to explore the shifting relationships between the state and its citizens and what it means to be a national subject. This section will examine the nation-state in late modernity in more detail, considering the symbolic value of the British nation as an 'imagined community'<sup>18</sup> in an era of globalization in which there are 'complex and contradictory forces at play which are challenging the autonomy of nation states.' (Papastergiadis 2000: 77) In the UK, since 1997 the identity of the nation-state has also been challenged by more particular forces, or as Nairn has argued, a 'confluence of impulses', which from the 1990s seemed to be pushing towards a change in the constitution of the British nation, including:

the formal end of Empire, stirrings of Republicanism, an Anglo-Irish agreement based on Britain's recognition that it no longer had to stay in control of Ulster, Welsh and

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<sup>18</sup> Benedict Anderson's *Imagined Communities* draws links between the conditions of possibility for the development of national identity and the invention of printing technologies and 'national print languages'. Print publication, according to Anderson, was largely responsible for fixing a national vernacular language as: 'Speakers of the huge variety of Frenches, Englishes or Spanishes, who might find it difficult or even impossible to understand one another in conversation, became capable of comprehending one another via print and paper. In the process, they gradually became aware of the hundreds of thousands, even millions, of people in their particular language-field, and at the same time that only those hundreds or thousands, or millions, so belonged. These fellow-readers, to whom they were connected through print, formed, in their secular, particular, visible invisibility, the embryo of the nationally imagined community'. Anderson, B. (1983). *Imagined Communities*. London, Verso. (p.44)

Scottish dissent, a campaign for regional representation in the North-East of England, and an articulate and serious programme for reform of the British Constitution itself (Charter 88), to which some New Labour leaders had frequently paid lip-service.' (Nairn 2000: 43)

Despite, and perhaps as a result of forces seeming to threaten the nation-state, national identity continues to profoundly shape cultural, social and political practices, providing a framework for actions, and the construction of social identities and opportunities. Indeed, 'the nation' serves as one of the few abstract ideas for which some people are prepared to sacrifice their lives, and many more to defend in principle. And yet, many scholars have noted, national identity is a modern phenomena, and the idea of the nation is unfixed in its meaning, open to challenge and change over time. (Anderson 1983; Gellner 1983; Hobsbawm 1990; Billig 1995)<sup>19</sup> For Hobsbawm, the nation is intricately linked to the reproduction and maintenance of liberal capitalism: One of the ways in which the elites maintain their power and the structural hierarchy of the liberal capitalist nation is through the invention of nation traditions which function to secure the consent of national populations and reproduce nationalism as if a 'civic religion' that demands religious-like ritualistic observance. (Hobsbawm 1993 [1983]) A sense of 'Britishness' is understood as maintained in part through invented ceremonies (such as Guy Fawkes' Night, or Remembrance day) which encourage a sense of reverence for national institutions which are central to maintaining the current order. The introduction of citizenship ceremonies for settled migrants (with its oath, national anthem and local civic authority regalia) arguably borrows from this symbolic repertoire (even if, for those actually involved, a feeling of national belonging may not be a primary priority). (Pitcher 2009) Moreover, in 2006-7 government proposals for an annual day of Britishness, equivalent to US celebrations on 4<sup>th</sup> July, envisaged patriotic ritual as valuable symbolic currency.<sup>20</sup> First mooted in a speech by

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19 Indeed, Hobsbawm's work highlights how recently developed the concept of the nation-state is. For him, the nation arises out of modernist ideals, including enlightenment values such as those enshrined in the United States Declaration of Independence (1776) and associated with the French Revolution. The Treaties of Westphalia, are held to have codified an international order based on a system of state sovereignty and provided the conditions of possibility for the development of capitalism to which progressive enlightenment ideas and democracy were harnessed. Hobsbawm, E. (1990). *Nations and Nationalism Since 1780*. Cambridge, Cambridge University Press.

20 Although these proposals were ultimately withdrawn in the face of opposition party and press ridicule and the accusation of 'gaffes', they were echoed in proposals from the Conservative Party for a similar day of celebrating Britishness. Whilst the Conservatives suggested the Queen's birthday as the most appropriate,

Gordon Brown to the Fabian Society, the speech contends that a political vacuum has been created due to a deficit in symbolic recognition for Britishness in mainstream society from which far right politics such as those of the British National Party have prospered. (Brown 2006)<sup>21</sup>

For theorists such as Billig, Gellner and Smith, nations do not succumb to nationalism at extraordinary moments in history, but rather nationalism is constitutive of the nation. (Gellner 1983; Smith 1991; Billig 1995) In Gellner's words for example: 'Nationalism is not the awakening of nations to self-consciousness: it invents nations where they do not exist.' (Gellner 1983: 7) For Smith, nationalism divides humanity and inevitably leads to conflict:

Nationalism, the doctrine that makes the nation the object of every political endeavour and national identity the measure of every human value, has since the French Revolution challenged the whole idea of a single humanity, of a world community and its moral unity. Instead nationalism offers a narrow, conflict-laden legitimisation for political community, which inevitably pits culture-communities against each other and, given the sheer number and variety of cultural differences, can only drag humanity into a political Charybdis. (Smith 1991: 18)

For Smith, nationalism operates through a fairly robust 'myth symbol complex' albeit amenable to changes and substitutions over time. (Smith 1986; Smith 1991) For Pryor too there is continuous work in play to secure or *locate* the image of the nation and those to belong to it:

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after considering Remembrance Day (Brown's first 'gaffe' – apparently upsetting war veterans), the date finally proposed by New Labour was the August bank holiday. While this clashed with existing days of national observance in Scotland (another, 'gaffe'), it also did not satisfy calls for an additional bank holiday in the calendar (albeit a campaign sponsored by Thomas Cook with perhaps less concerned about the nation's well-being and sense of patriotism than its profit margin).

21 In his speech, Brown cautions us: 'But think for a moment: what is the British equivalent of the US 4th of July, or even the French 14th of July for that matter? What I mean is: what is our equivalent for a national celebration of who we are and what we stand for? And what is our equivalent of the national symbolism of a flag in every garden? In recent years we have had magnificent celebrations of VE Day, the Jubilee and, last year, Trafalgar Day. Perhaps Armistice Day and Remembrance Sunday are the nearest we have come to a British day that is – in every corner of our country – commemorative, unifying, and an expression of British ideas of standing firm in the world in the name of liberty responsibility and fairness? And let us remember that when people on the centre-left recoiled from national symbols, the BNP tried to steal the Union Jack. Instead of the BNP using it as symbol of racial division, the flag should be a symbol of unity, part of a modern expression of patriotism. So we should respond to the BNP by saying the union flag is a flag for Britain, not for the BNP; all the United Kingdom should honour it, not ignore it; we should assert that the union flag is, by definition, a flag for tolerance and inclusion.' Brown, G. (2006). "Speech by the Rt Hon Gordon Brown MP, Chancellor of the Exchequer, at the Fabian New Year Conference." Retrieved 3rd December 2009, from [http://www.hm-treasury.gov.uk/press\\_03\\_06.htm](http://www.hm-treasury.gov.uk/press_03_06.htm).

Visual metaphors construct an idea of the "mind's eye" with which the nation is mapped as a unity and by means of which the subject has mastery. The double constitution of "Britain" then, depends on an absent presence: an *idea* of a national unity, which constructs and is constructed by, legal, political and historical events. (Pryor 2008: 166)

Indeed, Brown's day of Britishness with its proposals for a symbolic display of national affiliation would appear, self professedly to be about working to address a perceived lack or absence of national unity. To borrow from Bowman, Brown's project is about generating a 'rhetorical-political force' which, 'can produce belief in an "imputed ontological status"' for the nation. (Bowman 2008a: 93) Its *actual* reality or otherwise is beside the point. Its *apparent* reality is everything, making it available as a pole of identification and a rallying point for political mobilization.' (Bowman 2008a: 92) In this, Bowman contends, 'image, phantasm, metaphor [...] are the reserves by which any supposed entity can orientate lives and projects.' (Bowman 2008a: 93)

According to Billig, it is the less overt images or symbols through which the force of nationalism is exercised (and, we could add, the perceived absence or lack of nation is addressed). Rather than focus upon the overtly political forms of nationalism, Billig contends, (for example such as those envisaged in Brown's loaded references to the BNP), it is rather more important to attend to the less obvious or 'banal' symbols of national identity that surround us in our daily lives and which continuously function to reproduce and maintain our identification with the nation. (Billig 1995) "Our" national identity, Billig argues, is continuously signified or 'flagged' to us through discourse, as banal nationalism is articulated through routine and familiar practices – the unnoticed habits which reproduce the idea of the nation and national belonging. Billig's examples include grammatical forms which he calls 'homeland deixis': a kind of rhetorical pointing through key words which seem to anchor a statement to particular aspects of the context of its utterance. The use of 'we', for example addresses assumed identities, presupposes a shared understanding that that this 'we' refers to 'us, in the here and now - the people of Britain'. Simply naming the nation, 'Britain' in his speech, Brown interpellates the audience as national subjects, addressing what is presumed to be shared *national* concerns (Anderson discusses the more routine example of national weather forecasts as examples of this form of banal

nationalism). (Anderson 1983: 6) Indeed, an assumed national referent does not necessarily even need be explicitly mentioned, for the nation to be 'flagged'. That the nation is so frequently connotatively invoked in the commonplace is a subtle yet powerful ideological feature in the reproduction of nationalism. It is in this sense that the theory of 'banal nationalism' could be said to support Nigel Harris' contention that: 'nationalism provides the framework and language for almost all political discussion'. (Harris 1991) In poststructuralist terms (which will be explained in further detail in the next chapter), the nation can be seen as an empty signifier, and nationalism, as Torfing argues:

a certain articulation of the empty signifier of the nation, which itself becomes a nodal point in the political discourse of modern democracy and generally functions as a way of symbolizing an absent communitarian fullness. (Torfing 1999: 192)

However, in recent theories about nationalism in democratic states in the contemporary conjuncture, the nation is not altogether a reassuring object. As Gilroy's recent work postcolonial national identity contends for example, a 'melancholic pattern has become the mechanism that sustains unstable edifice of increasingly brittle and empty national identity'. (Gilroy 2004a: 27-8) Gilroy uses the term *post-imperial (or postcolonial) melancholia* to call attention to the continuing impact of the nation's colonial history upon its social, political and cultural life and to name a 'social pathology'. (Gilroy 2004a; Gilroy 2005) In this, the significance of colonial and postcolonial histories are systematically buried or skipped over - in a form, according to Gilroy, of historical denial of colonial power and oppression. Instead, there is a notable preponderance to focus upon very particular aspects of the national cultural past (mostly victory in the second world war, but also cultural or sporting achievements, notably England's 1966 World Cup win, for example). As a result of a failure to mourn 'the loss of a fantasy of omnipotence', and 'work through' the complex and difficult legacies of colonialism, postcolonial melancholia symptomatically emerges in hostility to minority ethnic groups, immigrants and asylum seekers. Those defined as cultural or racialised 'others' are, according to Gilroy, 'unwanted and feared precisely because they are the unwitting bearers of the imperial and colonial past', compelling the post-colonially melancholic to continually perceive "the unsettling shame of its bloody management". (Gilroy 2004a: 95) Especially, post September 11<sup>th</sup> 2001 and George W. Bush's declaration of a 'war on terror', Gilroy argues:



State sponsored patriotism and ethnic-absolutism are now dominant, and nationalism has been reconstituted to fit new social and geo-political circumstances in which the larger West and our own local part of it are again under siege. However, the work involved in knowing oneself and understanding the traditional, defining norms of one's own official culture is not as easy as it might have been in the past. Technology, deindustrialisation, consumerism, loneliness, and the fracturing of family forms have changed the character and content of those ethnic and national cultures as much or even more than immigration ever did [...] under pressure from the levelling and homogenizing elements of cultural globalization, national identity and national consciousness have had to become objects of governmental intervention in elaborate ways. (Gilroy 2004a: 108)

The *absence* of 'communitarian fullness' in the discourse of modern democracy in Britain is for Gilroy, therefore intimately related to the loss of imperial power. The absence of communitarian fullness is symbolised by 'the nation', which requires to be filled with meaning and stabilised. But for Gilroy, such stabilisation can only be achieved negatively:

in opposition to the intrusive presence of incoming strangers who, trapped inside our perverse local logic of race, nation, and ethnic absolutism not only *represent* the vanished empire but also refer consciousness to the unacknowledged pain of its loss and the unsettling shame of its bloody management. (Gilroy 2004a: 110)

For Hage too, the prospect of identifying with the nation *positively* is also unlikely, and indeed in retreat. Hage's theory of 'paranoid nationalism' emphasises an anxiety that the nation-state will no longer fulfil a role through which social aspirations and a hopeful future might be shaped and secured:

While worrying is generally produced by an external threat to an object we care for, with paranoid nationalism, worrying is the product of an insecure attachment to a nation that is no longer capable of nurturing its citizens. (Hage 2003: 3)<sup>22</sup>

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<sup>22</sup> Hage's distinction between 'worrying' and 'caring' as affective dimensions of political participation can be seen as articulated with different aspects of the constitutive structure of identity as defined in the discourse theory of Laclau and Mouffe (to be explored in the next chapter). Whilst worrying is 'generally produced' by the necessary but threatening existence of the 'constitutive outside', it is also the product of our identities' attachment to the wider discursive formation within which our care for our particular selves and for the more universal collectivity of fellow nationals are articulated – a unifying nodal point, or 'myth' of the nation which is faltering and inadequate to the job of sustaining our identities. Hage talks about caring in this sense (of our attachment to a purpose for political participation) as a kind of 'investment' in the nation. Hage, G. (2003). *Against Paranoid Nationalism: Searching for Hope in a Shrinking Society*. London, The Merlin Press. (p.2) This can be articulated in different ways, which are variously more, or less 'ethical'. The conditions of possibility for a more ethical articulation, for example one which would be open to offering more (rather than less) hospitality, is for Hage, conditioned by 'the availability, the circulation and the exchange of hope.' (p.3)

For Hage, while analyses of nationalism usually attend to the past, 'our relation to the future' is also important. This is intimately related to what he perceives as a deficit of 'hope' in western democratic societies. For those more economically, socially or culturally privileged citizens who, in past times, might have felt some security that the state might provide for their aspirations, in the current conjuncture instead experience paranoia as their privilege is more precarious. While they suspect an ethical or political investment of their affective resources in the nation is due little prospect of return, with no alternative they invest nonetheless in a 'fantasy' of the nation, which, 'needs to be protected from reality'. (Hage 2003: 4)

Such arguments regarding the tendencies for the nation and national identification to articulate melancholic and paranoiac anxieties are useful theoretical lenses through which to consider the construction of asylum as 'a threat' in the contemporary context. As Balibar observes, signifying 'the nation' presupposes 'national-others'. For him, this points to an internal contradiction within nationalism – its 'simultaneous tendencies towards universality and particularism':

nationalism aspires to uniformity and rationality; it is expansive. And yet it cultivates the symbols, the fetishes of an autochthonous national character, which must be preserved against dissipation. (Balibar 1999 [1988]: 283)

For Balibar, nationalism is interwoven with racism, as 'through racism, nationalism engages in a "blind pursuit", a metamorphosis of its ideal contradictions into material ones.' (Balibar 1999 [1988]: 283) In other words, racism provides a means through which nationalism can define the nation. Writing in the early 1980s, Hall argues that 'beleaguered regimes', which had distanced themselves from 'socialistic principles' and, 'welfare state inclusivity' had:

produced strangers and aliens as the limit against which increasingly evasive national particularity can be seen, measured and then, if need be, negatively discharged. (Hall 1990 [1983]: 38)

In neoliberal democracies such as the UK since 1997, according to Tyler, 'the figure of the asylum-seeker increasingly secures the imaginary borders of Britain today.' (Tyler 2006: 189) In this, Tyler argues, 'the identification of the figure of the asylum-seeker is increasingly constitutive of public articulations of national and ethnic belonging.' (Tyler 2006: 189) As discussed above, Tyler's argument envisages the asylum seeker as the 'constitutive outside'

of national identity – a necessary supplement to discursively shore it up. Hall (drawing on the work of Laclau and Mouffe which I will explore in further detail in the next chapter) similarly argues that the discursive work of identity building both involves, ‘the binding and marking of symbolic boundaries, and the production of “frontier effects” where identity ‘requires what is left outside, its constitutive outside, to consolidate the process.’ (Hall 1995: 3) Indeed, as I will explore further within my case studies in the following chapters, just as the discursive construction of asylum associates asylum seekers with the crossing of concrete boundaries in terms of the territorial borders of the national state, or of the European Union, it also plays a crucial role at these symbolic boundaries, with excluded asylum seeker identities positioned as the ‘constitutive outside’ (functioning as a threat to the identity of the nation, whilst necessary to the maintenance, or ‘consolidation’ of its identity).

### **Discursive Legacies of Racism**

*There have been many significantly different racisms – each historically specific and articulated in a different way with the societies in which they appear. Racism is always historically specific in this way, whatever common features it may appear to share with other social phenomena. Though it may draw on the cultural and ideological traces which are deposited in a society by previous historical phases, it always assumes specific forms which arise out of the present – not the past – conditions and organisation of society. (Hall 1978: 26)*

As Hall argues, racist discourses may bear the marks of previous racisms, but their construction is also always produced in a particular conjuncture. It is well documented that during the decades following the Second World War in Britain, racism and immigration became inextricably linked in the politics and public discourse surrounding New Commonwealth migration to the UK. (Foot 1965; Layton-Henry 1984; Solomos 1989; Layton-Henry 1992; Saggar 1992; Geddes 1996; Koopmans and Statham 2000; Cohen, Humphries et al. 2002; Hansen 2004 [2000]) Contrary to the efforts and assumptions of successive post-war governments that the introduction of successive laws designed to control immigration would ‘manage race relations’<sup>23</sup>, political aims ‘to bury the immigration issue’ have not it

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23 Post 1945, there have been 14 new laws governing immigration, citizenship and ‘race relations’ the UK. These include: the 1948 Nationality Act; the 1962 Commonwealth Immigrants Act; The 1968 Commonwealth Immigrants Act; The 1971 Immigration Act; the 1981 British Nationality Act; The 1988 Immigration Act; The 1993 Asylum and Immigration Appeals Act; the 1996 Asylum and Immigration Act; the 1999 Asylum and

seems, succeeded through the introduction of such laws. (Saggar 1992: 114) Indeed, as I will explore in more depth and critically analyse in chapter four, UK opinion polls in recent year have clearly rated immigration and 'race' as major public concerns, the IPSOS/MORI poll returning findings indicating that they have been consistently considered amongst the five most important issues facing Britain since 1997. (IPSOS/MORI 2009) There seems a clear contradiction then, between the consistently high profile afforded to immigration and 'race' in public and political discourse, and recent claims that mainstream politicians have somehow 'failed to talk about' them - thus leaving a fertile and unoccupied political ground for the far-right British National Party (BNP) to fill. (Wintour 2009) Such arguments are by no means new, and in the period of New Labour rule since 1997 as I shall explore throughout my study, they have been constructed in significant ways around asylum and refugee issues more specifically. But, they also have a long and important genealogy in the anti-immigration politics of the post-war period, including notably the racist anti-immigration rhetoric of Enoch Powell in the late 1960s and early 1970s, but also in the development of Thatcherism as a hegemonic project during the 1980s. In the next section, I will develop this argument in a discussion of the seminal work in cultural studies engaging with racism and immigration discourse, beginning with Hall et al.'s 1978 study *Policing the Crisis*.

*Policing the Crisis* is a key influence upon my study in several respects. Firstly, it is explicitly motivated politically and ethically in its research approach - a response to a high profile criminal case in which three boys of a 'mixed ethnic background' from Handsworth, the West Midlands were prosecuted for serious assault and sentenced to abnormally harsh sentences of imprisonment. The authors sought to address their own sense of perplexity, and acute sense of injustice at the draconian response of the State to an apparently new phenomenon - 'mugging':

The sentences seemed to us unnecessarily vicious; but also – in terms of the causes which produced this incident – pointless, dealing with effects, not causes. But we also wanted to do what the courts had signally failed to do: understand a problem

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Immigration Act; the 2002 Nationality, Immigration and Asylum Act; the 2004 Asylum and Immigration (Treatment of Claimants, etc) Act; the 2006 Asylum and Immigration Act; the UK Borders Act 2007; the 2009 Borders, Citizenship and Immigration Act. On 12th November 2009, the UK Border Agency published a further draft Immigration Bill.

which awoke contradictory feelings in us – outrage at the sentence, sorrow for the needless victim, sympathy for the boys caught in a fate they did not make, perplexity at the conditions producing all this. (Hall, Critcher et al. 1978: viii)

‘Mugging’, Hall et al. argue, was not a phenomenon to which the forces of law and order, politicians and the media simply *responded*. Rather, ‘mugging’ was culturally constructed through the statements and actions of those authorities, constituted as an object which symbolised a crisis of law and order in the early 1970s and around which a ‘moral panic’ emerged about young black men and crime in Britain. (Hall 1978; Hall, Critcher et al. 1978; Hall 1988a [1980]) In this, ‘mugging’ served an important ideological purpose according to Hall et al., functioning to obscure a more fundamental structural problem - an ‘organic crisis’ within British society.<sup>24</sup> In 1970s Britain, they argue, social consent had broken down, largely as a result of a failure of the post-war social myth of ‘affluence’:

The people had to be convinced that capitalism had changed its nature, that the boom would last forever. Since the millennium had patently not arrived for the majority, ideology was required to close the gap between the real unequal distribution of wealth and power and the “imaginary relation” of their future equalisation. This inflexion of the contradictory reality into the illusion of permanent progress-to-come was grafted on to something real; but it also transformed that rational core. Like all social myths, “affluence” contained its sub-stratum of truth – the transformations in the structures of capitalism and the recomposition of the capitalist state and its politics. (Hall, Critcher et al. 1978: 232)

The collapse of corporatism and the Keynesian economic post war consensus during the 1960s and clearly evident by the early 1970s, rendered this social myth increasingly

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24 The term ‘organic crisis’ is elaborated by Gramsci in the Prison Notebooks: ‘A crisis occurs, sometimes lasting for decades. This exceptional duration means that incurable structural contradictions have revealed themselves... and that, despite this, the political forces which are struggling to conserve and defend the existing structure itself are making efforts to cure them within certain limits, and to overcome them. These incessant and persistent efforts form the terrain of the conjunctural and it is upon this terrain that the forces of opposition organise.’ Gramsci, A. (2003 [1971]). *Selections from Prison Notebooks*. London, Lawrence and Wishart. (p.19). Following Gramsci, Solomos et al. summarise the characteristics of Britain’s organic crisis in the 1970s in the following terms: ‘Its content is not reducible to a cyclic economic crisis in the traditional sense, or a “crisis of the political system” in the narrow sense. It consists rather of profound changes in the balance of forces, in the class struggle and in the configuration of the class alliances. It is visible in the emergence of new social forces and a specific representation of these changes in the form of crisis management within the state itself.’ Solomos, J., B. Findlay, et al. (1994 [1982]). *The organic crisis of British capitalism and race: the experience of the seventies. The Empire Strikes Back: Race and Racism in 70s Britain*. Centre for Contemporary Cultural Studies (CCCS). London & New York, Routledge. (p.17)

unsustainable.<sup>25</sup> Because of this, the security of the ruling class *as* the ruling class was in jeopardy, and the capitalist state required to be 'rescued' from that which threatened it. Drawing upon Gramsci's theory of hegemony, Hall et al. argue that the state therefore attempted to re-impose an 'order of cohesion' (through its organisational functions: economic, juridical, ideological and political), to discipline classes, including those outside of the ruling alliance, to accept the social relations of capitalist society. Social cohesion, according to Gramsci, is to be achieved through the exercise of a combination of the forces of consent and forces of coercion. (Gramsci 2003 [1971]) Hall et al. demonstrate that the law and legal institutions perform an important function in such hegemonic strategies, functioning as a 'reserve army' in the enforcement of social discipline when social consent breaks down. (Hall, Critcher et al. 1978: 202) Whereas the use of overt and coercive force renders the operations of the State visible, securing the consent of individuals to 'a certain way of life' means the prevailing form of social relations can be secured as 'a common and necessary social and political order' through self-discipline. (Gramsci, cited in Hall, Critcher et al. 1978: 202-3) Hegemony is achieved or contested according to Gramsci, at the superstructural level, the intention to establish a 'consensus on values'. In 'modern democratic mass societies', according to Gramsci, the State needs to appear *as if* an independent arbiter between competing interests, relating equally to political and legal subjects rather than operating with partiality in the service of capital. For this to work as such, it is necessary to re-signify class subjects as subjects of the state or of 'the nation'. As subject of the nation-state, according to Hall et al.:

the vast majority of people are united within a common system of values, goals, and beliefs – the so-called "central value system"; and it is this consensus on values, rather than formal representation, which provides the cohesion which such complex modern states require. (Hall, Critcher et al. 1978: 215)

As part of their wider analysis of the concrete forms in which the crisis 'reverberated' therefore, Hall et al. examine the conditions of possibility for 'mugging' *as* a social phenomenon. In this, rather than focusing upon the agency of criminal 'muggers', or their motivations, the object of analysis is the extraordinary social anxiety in relation to which

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<sup>25</sup> The post (1939-45) war consensus entailed both the Labour and Conservative Parties largely accepting a Keynesian approach, which involved managing a mixed economy (combining nationalised industries in key areas of the economy with private enterprise) and a welfare state.

'mugging' was constituted and 'the contradictory social forces' that produced a popular authoritarian backlash from the State's control agencies. (Hall, Critcher et al. 1978: ix) For Hall et al. this is determined by the collapse of the post-war social democratic consensus in 1970s Britain, and a subsequent 'crisis in hegemony'. Accompanying the disintegration of the old economic order in the 1970s was an ideological dislocation:

What was at issue was, in effect, the fracturing and disruption of "traditionalist" popular ideologies. This ideological crisis, however, assumed the form, not of a deepening critique of traditionalist values, but rather of a rallying of traditionalist social forces - a crusade in defence of the older order. The "cry from below" for the restoration of moral regulation took, first, the immediate symptoms of disturbance - rising crime, delinquency, moral permissiveness - and constructed them, with the help of organized grassroots ideological forces, into the scenario of a general "crisis of the moral order". In the later phases, these were connotatively linked with the more politicised threats, to compose a picture of a social order on the brink of moral collapse, its enemies proliferating within and without. (Hall 1988a [1980]: 137)

The possibility for the common sense construction of 'mugging' as a black crime is understood as conditioned by these forces, including a nationalistic ideology imagining law abiding British people as part of an 'island race' with shared cultural values and a 'shared morality'. A strong response to 'mugging' was demanded not just because it represented a transgression of the law, but because it represented a 'perceived or symbolic threat' to the order of the nation. As Solomos et al. note, and as I will explore in further detail below, the emergence of a more authoritarian state in Britain in the 1970s was 'fundamentally intertwined with the elaboration of popular racism.' (Solomos, Findlay et al. 1994 [1982]: 9)

The close associations forged in the post-war period between immigration, 'race' and crime, delinquency, deviance and other social problems have been well documented by cultural studies scholars, historians and sociologists. (Foot 1965; Hartman and Husband 1974; Layton-Henry 1984; Gilroy 1994 [1982]; Solomos, Findlay et al. 1994 [1982]) For Solomos et al., by the early 1980s, 'race' had, 'increasingly become one of the means through which hegemonic relations are secured in a period of structural crisis management.' (Solomos, Findlay et al. 1994 [1982]: 17) Hall's studies of the populist politics of Thatcherism and 'the

radical right' in the 1980s<sup>26</sup> reconstruct how in British political culture, 'the interpellations of "nation", of "national cultures/alien cultures", of "our people"' functioned as, 'the respectable signifiers of a new cultural racism'. (Hall 1988a [1980]: 145-6) New right discourses on 'race' of course, are often traced to the anti-immigration rhetoric of Enoch Powell in the late 1960s and early 1970s and in particular his infamous 'Rivers of Blood' speech in 1968, a discursive legacy which will be discussed in further detail in chapter four (Powell 1968)<sup>27</sup> As Martin Barker notes in relation to the speeches of Conservative politicians at the time, 'new racism' was based upon a notion of unassimilable cultural difference rather than difference ostensibly premised upon biological 'racial' categories, yet nonetheless functioned as a pseudo-biological notion of racial hierarchy articulated through cultural signifiers. (Barker 1981) According to Gilroy, this was the mechanism through which crime was 'racialised' and how black immigration was signified as a law and order problem in the UK in the late 1970s and early 1980s - a racist response to political conflict:

As the state has faced the crisis and the discourse of "the nation" has been introduced as an answer to the blacks' refusal of racial oppression, this threat has been presented politically in criminal terms. Not only are hordes of unseen illegal immigrants about to swamp true Britons, but *all* immigrants have been tainted by illegality. (Gilroy 1994 [1982]: 153)

As Balibar also notes, categories such as 'immigration' often function as substitute signifiers for 'race'. Moreover, racism mediated through a cultural lens, he argues, has been integral to the articulation of postcolonial geopolitics:

The new racism is racism of the era of 'decolonization', of the reversal of population movements between the old colonies and the old metropolises, and the division of humanity within a single political space. Ideologically, current racism, which in France centres upon the immigration complex, fits into a framework of 'racism without races', which is already widely developed in other countries, particularly the Anglo-Saxon ones. It is a racism whose dominant theme is not biological heredity but the insurmountability of cultural differences, a racism, which, at first sight, does not

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26 Hall evaluates the popular morality and populist politics of Thatcherism in the following terms: 'Thatcherism was grafted onto this resentment of the "little non-political person in the street" against the big, corporate battalions - "big government" and "big unions" - which characterized the statism of the social democratic era. It managed, by the end of the 1970s, to identify itself with "the people" when they could be defined in this way. Its novelty lies, in part, in the success with which this "populist" appeal was then orchestrated with the imposition of authority and order. It managed to marry the gospel of free market liberalism with organic patriotic Toryism.' Hall, S. and M. Jacques (1990 [1983]). *The Politics of Thatcherism*. London, Lawrence & Wishart. (p.10)

27 Enoch Powell, the Conservative Member of Parliament for Wolverhampton South West, delivered his speech to a Conservative Party Association meeting at the Midland Hotel in Birmingham on April 20th 1968.



postulate the superiority of certain groups or peoples in relation to others but 'only' the harmfulness of abolishing frontiers, the incompatibility of life-styles and traditions. (Balibar 1991: 21)

Balibar's analysis calls to mind Samuel Huntington's thesis (influential in the neo-liberal policy circles of the West in recent years), which postulates a 'clash of civilisations'. For Huntington, at the end of the twentieth century and post-the Cold War (an era supposedly at the 'end of history')<sup>28</sup> conflict would no longer be likely to be along political and ideological lines, but rather cultural ones. (Huntington 1993; Huntington 1996) However, as Edward Said strongly argues in his critique of Huntington, such neo-liberal contentions are informed by, and reproduce historic racist presuppositions. Like those explored in Said's work on Orientalism, these are intended to justify a structure of domination of the West over 'the Rest':

Huntington is an ideologist, someone who wants to make "civilizations" and "identities" into what they are not: shut-down, sealed-off entities that have been purged of the myriad currents and countercurrents that animate human history, and that over centuries have made it possible for that history not only to contain wars of religion and imperial conquest but also to be one of exchange, cross-fertilization and sharing. (Said 2001: np)

Both Huntington's work and the discourse of 'new racism' seek to obscure the complexities of cultural interaction, aiming instead to simplify the political terrain into antagonistic camps.<sup>29</sup> However, instead of postulating the innate superiority of one 'race' over another, this form of racism emphasises the incompatibility of cultures supposedly because of their inherent differences. As Anna Marie Smith has argued, such rhetoric is exemplified in the anti-immigrant racism of Enoch Powell who:

consistently argued that he was not a racist because he did not claim "that one race is inherently superior to another". By avoiding the superiority/inferiority argument, the new racists could conceal their occupation of a structurally empowered position over and against the racial "others". (Smith 1994: 55)

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28 Huntington's work is influenced by that of Fukuyama, whose work posits that Western states had reached 'the end of history' in that in the organisation of global order in international relations the liberal-democratic capitalist nation state is supposed to have prevailed, signifying the end of a teleological development in human civilisation and development. Fukuyama, F. (1992). *The End of History and the Last Man*. London & New York Penguin, Huntington, S. (1993). "The Clash of Civilizations?" *Foreign Affairs* Summer, Huntington, S. (1996). *The Clash of Civilizations and Remaking of World Order*. New York, Simon & Schuster.

29 In the next chapter I will explore a theory of the political as antagonistic and its significance for my study in more depth, in relation to the political theory of Ernesto Laclau and Chantal Mouffe.

But Powellist discourse also sought to erase the violent history of colonial domination which conditioned contemporary social relations. His image of Britishness conveniently ignores the legacy of Orientalist knowledge/power through which its position as coloniser was secured, including for example, the pseudo-scientific-racism of social Darwinism which posited white Europeans as the most 'civilised' of 'races'. (Smith 1994; Hall 1997) Anti-immigrant racism at the time of Powell, then, can be seen to be developing in a way that distances it from an overtly racialised mode of expression, or what Gilroy has termed its 'dermatological' phase towards what Balibar has termed, a 'racism without races'. (Balibar 1991; Gilroy 2004b) As Smith demonstrates, the problematising of immigration from the 1960s into the 1980s drew powerfully upon the kinds of cultural constructions of 'race' that Hall, Barker and others have classified as 'new racism', presenting cultures as reified, homogenous and ultimately incommensurable entities. It was not necessary for Powell to refer to 'race' directly. Rather, 'race' could be read through indirect references to immigration and the connotations other cultural signifiers through what Hall terms 'inferential racism.' (Hall 1981)

Powell's populist interventions on immigration in the 1960s and early 1970s present an example of how racist discourse has developed new resources, transforming its modality in relation to political demands, and contingently adapting in the racist articulation of its exclusions. In this, it left a powerful discursive legacy as Solomos et al note:

While it is true that black immigration legislation never regained a prominent position on the British political agenda after the mid-1970s [...] the Powellian legacy of guilt-free British nationalism - constructed through the exclusion of black otherness - became a powerful resource for Thatcherism. (Solomos, Findlay et al. 1994 [1982]: 9)

As I will explore in more depth in the next chapter, the legacy has not just held for Thatcherism and the Conservatives, but also for the rhetoric and policy of New Labour on asylum and immigration. (Smith 1994; Gilroy 1994 [1982]; Rutherford 1997; Torfing 1999; Pitcher 2006) Indeed, as Hall argues, whilst Powell's deviation from the official Conservative Party line on immigration and 'race' in the late 1960s and early 1970s ultimately effectively cost his career in frontline politics, it could be argued that Powellism prevailed:

not only because his official eclipse was followed by legislating into effect much of what he proposed, but because of the magical connections and short-circuits which Powellism was able to establish between the themes of race and immigration control and the images of the nation, the British people and the destruction of "our culture, our way of life. (Hall 1990a [1983]: 38)

As Smith emphasises, 'race' has not functioned merely as a single issue, but rather has had a powerful symbolic role, functioning as a 'nodal point'<sup>30</sup> through which multiple and not necessarily related social concerns have been articulated. During the 1980s according to Smith:

Powellian and Thatcherite racism had become a hegemonic discourse - that it had become so normalized and so intertwined with political discourse that all other demonizations tended to be shaped in terms of its codes, tactics and metaphors. (Smith 1994: 22)<sup>31</sup>

Smith argues that the similarities between anti-immigrant and homophobic rhetoric in the new right political discourse of the 1980s, demonstrate that there can be important 'genealogical linkages' between discourses which bear no *necessary* relation to one another, and that this can be seen as a characteristic of a hegemonic project such as that of Thatcherism. The commonalities are constructed through an articulation of immigration and homosexuality as *anti-popular morality*. According to Hall and Jacques, popular morality plays a crucial role in the maintenance of social order, particularly 'in periods of social upheaval and change', as it provides a clear 'reference point which organizes experience and sorts it into its evaluative categories'. (Hall and Jacques 1990 [1983]: 10) In

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30 The term 'nodal point', developed in Laclau and Mouffe's work from Lacan's concept of a point de capiton will be explained in more detail in the next chapter.

31 Drawing upon the work of Laclau and Mouffe in her definition of hegemony, Smith argues: 'a hegemonic political project operates as a social imaginary which establishes one single horizon of intelligibility. It maps out rules of coherence, tables of authorized subject positions and sets of legitimate demands, and only recognizes as coherent, authorized and legitimate that discourse which obeys its logic. It conceals its own partiality, historicity and contingency and normalizes itself as the only possible way of thinking about politics. It imposes itself as the universal framework for the interpretation of experience by ruthlessly eliminating alternative interpretations, but it conceals this violent ground in that it pretends to perform merely the a-political and innocent recognition of "facts". It claims that there is nothing beyond the boundaries of the hegemonic project except total political chaos. A hegemonic project does not dominate political subjects: it does not reduce political subjects to pure obedience and it does not even require their unequivocal support for its specific demands. It pursues, instead, a far more subtle goal, namely the naturalization of its specific vision of the social order as the social order itself.' Smith, A. M. (1994). *New Right discourse on race and sexuality : Britain, 1968-1990*. Cambridge, Cambridge University Press. (p.37) I will return to explain the concept of 'social imaginary' in more detail in the next chapter.

the terminology of Laclau and Mouffe (which will be explained in more detail in the next chapter), populist moral politics aim towards the simplification of the political terrain, positing an antagonistic relation between certain particularistic political demands and the popular will of the people. Furthermore, Hall and Jacques note:

Under the right conditions, "the people" in their traditionalist representation can be condensed as a set of interpellations in discourses which systematically displace political issues into conventional moral absolutes. (Hall and Jacques 1990 [1983]: 10)

Popular morality is powerful because it feels personal, articulating themes which 'touch the direct experience, the anxieties and uncertainties of ordinary people'. (Hall 1990a [1983]: 23) It encourages a 'populist enlistment' of support, and adds a 'gloss of populist consent' for 'authoritarian closure'. (Hall 1988b [1980]: 151) It is these characteristics which Hall et al. argue underpin the formation of 'moral panics' in the 1960s and 1970s, 'around such apparently non-political issues as race, law-and-order, permissiveness and social anarchy.' (Hall 1988b [1980]: 151) As I will explore below in a more detailed discussion of moral panic in relation to asylum, in the current conjuncture, such issues would not now perhaps be so quickly considered 'non-political'.<sup>32</sup>

### **Authoritarian Populism and Moral Panic**

Hall's theorisation of the relationship between state authoritarianism and popular democratic politics as 'authoritarian populism'<sup>33</sup> is very useful for explaining how widespread popular support could be mobilised to produce an 'authoritarian public consensus' for increasing the exercise of the state's repressive powers. Hall notes:

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32 The definition of the political will be explored in more depth in the next chapter. According to Marchart the difference between politics and the political in political theory refers to the 'difference between 'institutionalized' and sedimented meaning on the one hand and the potential event of antagonism on the other.' Marchart, O. (2002). "Austriifying Europe: Ultra-right populism and the new culture of resistance." *Cultural Studies* 16(6): 809-819. (p.126) This distinction is defined by Chantal Mouffe in the following terms: 'By "the political", I mean the potential antagonism inherent in social relations, antagonism which can manifest itself in many different forms. "Politics" refers to the ensemble of discourses, institutions and practices whose objective is to establish an order, to organize human coexistence in a context that is always conflictual because of the presence of "the political."' Mouffe, C. (1998). "The Radical Centre: A Politics without Adversary." *Soundings*: 11-23.

33 In Hall, S. (1988a [1980]). *Popular-Democratic vs Authoritarian Populism: Two Ways of "Taking Democracy Seriously"*. *Hard Road to Renewal: Thatcherism and the Crisis of the Left*. S. Hall. London & New York, Verso. Hall explains how he developed this concept from Poulantzas' concept of 'authoritarian statism' as developed in Poulantzas, N. (2001 [1978]). *State, Power, Socialism* London, Verso.

The language of law and order is sustained by a populist moralism. It is where the great syntax of "good" versus "evil", of civilized and uncivilized standards, of the choice between anarchy and order constantly divides the world up and classifies it into its appointed stations. The play on "values" and on moral issues in this area is what gives to the law and order crusade much of its grasp on popular morality and common sense conscience. But it also touches concretely the experience of crime and theft, of loss of scarce property and fears of unexpected attack in working class areas and neighbourhoods; and since it promulgates no other remedies for their underlying causes, it welds people to that "need for authority" which has been so significant for the right in the construction of consent to its authoritarian programme. (Hall 1990a [1983]: 38)

As an expansion on the theory of hegemony according to Hall, authoritarian populism is intended to help explain the internal function of 'certain shifts in the political/ideological conjuncture.' (Hall 1988b [1980]: 154) Authoritarian populism entails a significant change in the balance between the forces of consent and coercion and the movement of the state 'decisively towards the authoritarian pole'. (Hall 1985: 116) However, despite the move towards authoritarianism, the popular legitimacy of the political project is preserved. (Hall 1985; Hall 1988a [1980]; Solomos, Findlay et al. 1994 [1982]) As Solomos et al. argue, authoritarian populism can be conceived in part as 'an exceptional form of the capitalist state' which, unlike fully exceptional forms such as fascism, maintains a democratic appearance by retaining, 'most [...] of the formal representative institutions'. (Solomos, Findlay et al. 1994 [1982]: 34) Yet, as Jeremy Gilbert asserts, authoritarian populism from Powell to Thatcher manifestly steered away from consensual democratic view of politics, and a vision of Britain 'as a modern, egalitarian, liberal and tolerant society'. (Gilbert 2000: np) Thatcher's New Labour successors, Gilbert argues, have reinvigorated elements of her authoritarian populism, 'a potent combination of anti-bureaucratic, individualistic sentiment with nationalism and social conservatism', and has been complicit with a form of politics 'which appeals to everything in common popular sentiment which resonates with an authoritarian political agenda'. (Gilbert 2000: np) Blair's government, according to Gilbert, whilst not perhaps overtly devoted to Thatcherite values, nonetheless represents, 'in effect, a continuation of the authoritarian legacy of Thatcher'. (Gilbert 2000: np) As I will explore in more detailed below, during the New Labour era, both populist political strategies and the exercise of power in exceptional forms are key issues in exploring the dominant discourse of asylum in the UK.

The relationship between law and order, morality and populist politics have often been often been conceptualised in relation to the concept of 'moral panic', and a number of studies have taken up the concept of moral panic to explore a range of social issues. (Hall 1978; Goode and Ben-Yehuda 1994; Mai 2002; Critcher 2003; Thomson 2003; Zajdow 2008) In seeking to understand how 'mugging' was constructed as new and frightening 'black crime' presenting a threat to the social and cultural order of early 1970s Britain, the authors of *Policing the Crisis* were the first to draw upon Stanley Cohen's definition of 'moral panic' developed in his classic study of Mods and Rockers in during the 1950s:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible [...] Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way society conceives itself. (Cohen 2004 [1972]: 1)

*Policing the Crisis* explores the conditions of existence of concrete social relations presenting a historically specific study of racism which examines the material effects of signifying practices across the political, juridical and news media discourses. In this, it represents a seminal contribution to a field of study concerned with discourses of 'race', racism and immigration in the UK, building upon earlier studies examining the political construction of post-war immigration as a 'problem', and those as studies critiquing national print news media representations. (Foot 1965; Hartman and Husband 1974) Hartman and Husband's classic 1974 study for example, explores media representations of immigration between 1963 and 1970, criticising the tendency of coverage focusing upon issues of 'racial conflict' and ignoring the wider social context for social antagonisms: serious social pressures including a lack of adequate housing, education resources and employment compounding widespread anti-immigration prejudice and racial discrimination. Later, work such as Cohen and Gardner's collection of essays *It Ain't Half Racist Mum*, testifies to the extent to which racist stereotyping in news and popular cultural forms had attracted the

critical attention of academics. (Cohen and Gardner 1982: 112-3) Concerned largely with postcolonial immigration from the New Commonwealth countries and the politics of representation and race surrounding then settled communities of second and third generation families, chapters such as Cohen's, 'Race, reporting and the riots', identified the political role played by the press in encouraging a stigmatising image of a minority ethnic group – a criminalised vision of young black men. The lack of a meaningful social and political context for press reports focusing upon the 'race riots' of Bristol in 1980, and Brixton, Liverpool and other cities in 1981, Cohen argues represents more than an omission, but rather a deliberate act to construct a certain narrative of events:

The real "conspiracy" takes place between sections of the media and the police who skilfully exploit their own record of events to suit their own purposes. Journalists are accomplices (usually willing) in this manipulation. (Cohen 1982: 14)

*Policing the Crisis* does not suggest conspiracy between the press and the control agencies in this way, but nonetheless presents the argument that the press constructs (rather than just reflects) racism in British society. (Hall, Critcher et al. 1978) For Hall et al. moral panic theory offers a means through which the role of the news media, other elites and the control agencies could be understood to operate together in the construction of an issue such as 'mugging' around which intense social anxiety was generated. For them, moral panics involve a disproportionality of panic (for example in sensationalist reactions of the press), and the unified voice of official agencies and elites in the exaggeration of the supposed threat. *Policing the Crisis* explores a complex chain of interaction between social forces constructing and reinforcing a 'spiral of signification' whereby 'mugging' became a moral panic. An institutional control culture sensitised to black crime played an important role as 'primary definers' in the news media, as the press largely relied upon the voices of institutional officials and elites such as the police, judges and politicians as their sources in reporting a 'reaction to' mugging events.<sup>34</sup> (Hall, Critcher et al. 1978) The amplification of

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34 According to the primary definer thesis outlined in *Policing the Crisis*, high profile officials (police, judges etc) and politicians function as news 'agenda setters' (or what Hall et al. call 'institutional primary definers'). It is usually the case that primary definers are the most powerful voices within news narratives, not just because of the space and attention attributed to them, but because they are able to set the terms for the debate as conducive to their interests. Partly because of the role of primary definers, definitions of social problems under discussion in public discourse are often pre-constituted, and the proposed solutions circumscribed by the manner in which the discussion is thus delimited. Hall, S., C. Critcher, et al. (1978). *Policing the Crisis: Mugging, the State, and Law and Order*. Basingstoke, Hampshire, Palgrave MacMillan. (p.31)

the issue follows because the public discourse surrounding it then seems to reinforce the moral demand that 'something should be done' and thus the legitimacy of activities designed to control it:

When the official reaction to a person, groups of persons or series of events is *out of all proportion* to the actual threat offered, when "experts", in the form of police chiefs, the judiciary, politicians and editors *perceive* the threat in all but identical terms, and appear to talk "with one voice" of rates, diagnoses, prognoses and solutions, when the media representations universally stress "sudden and dramatic" increases (in numbers involved or events) and "novelty", above and beyond that which a sober, realistic appraisal could sustain, then we believe it is appropriate to speak of the beginnings of a *moral panic*. (Hall, Critcher et al. 1978: 16)

In their version of the concept of 'moral panic' then, Hall et al. accept the proposition that moral panics are formed as a response to a factual core or *real* threat (for example that youth crime has increased, or that immigration rates have escalated). Whilst *Policing the Crisis* does place the literality of the threat of 'mugging' into question to some extent by highlighting that 'mugging' is produced as a meaningful term by the control agencies, a threat of some sort must nonetheless be assumed to be 'real' in order for it to be considered 'exaggerated'. However, as the post-Marxist and poststructuralist discourse theory of Laclau and Mouffe (to be outlined in depth in the next chapter) demonstrates, such a distinction between discursively constructed and non-discursive terrain is theoretically unsustainable. (Laclau and Mouffe 1985)<sup>35</sup> However, this does not mean that we do not interpret our daily lives *as if* what is 'sober' or 'realistic' can be meaningfully appraised, nor that we live within fairly sedimented rule bound cultures in relation to which certain forms of conduct or behaviour might be deemed threatening or 'criminal'. Rather, our understanding of such distinctions as 'good, law abiding behaviour' or 'criminal conduct' is always conditioned within and through discourse:

a group of statements which provide a language for talking about – a way of representing the knowledge about – a particular topic at a particular historical

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35 In order to circumvent the theoretical implications of social constructionism, some moral panic theorists, such as Goode and Ben-Yehuda, for example, advocate that constructionism should be 'contextual'. Their 'attributional model' of moral panics insists upon the satisfaction of a set of criteria for a moral panic to be identified as such, including: concern, hostility, consensus, disproportionality and volatility merely highlight the inconsistency of maintaining a discursive-extra discursive distinction – a form is considered discursive if it is contextually (strategically) useful to conceive of it as such. Goode, E. and N. Ben-Yehuda (1994). *Moral Panics: The Social Construction of Deviance*. Oxford, Blackwell. (p.121)



moment. Discourse is about the production of knowledge through language. But... since all social practices entail *meaning*, and meanings shape and influence what we do – our conduct – all practices have a discursive aspect. (Hall 1992b: 291)

Whilst moral panic theory provides a useful lens through which to perceive how an issue is constructed as problematic and to conceptualise the social function that such constructions serve in reproducing and policing moral boundaries, it is also important to acknowledge its contradictory ontological assumptions about a 'real' or non-discursive order upon which the 'distortions' of moral panic operate. Some critiques of moral panic have attempted to challenge its 'ideological' nature in a fairly unsophisticated opposition to Marxist inspired approach to cultural analysis, (Doran 2008), other critiques present more convincing arguments. Cottle, for example, notes the 'relatively undifferentiated view' of 'dominant interests' and an underdevelopment of a theoretical explanation for the 'exact mechanisms linking media and state'. Cottle questions whether state interests and moral panics as they are constructed *necessarily* coincide, and indeed the assumption that moral panics will be 'elite driven'. (Cottle 2006: 57) McRobbie has also suggested that the model has become dated in view of the sheer quantity and rapid succession of news characteristic of contemporary global mass media and the need to consider the common usage of the term 'moral panic' within journalism which might complicate the question of its critical utility. McRobbie argues that moral panics are now heralded on a frequent, almost daily basis, and are 'less monolithic than the old model implied'. In this:

They are also continually contested. The whole terrain of the moral panic has become one on which the fiercest political battles are fought. The moral panic is the right's campaigning arm, but the right has increasingly had to contend with the pressure groups which have become the campaigning arms of the opposition. No sooner does a moral panic emerge than it is angrily disputed, and its folk devils are fiercely defended by any one of a range of pressure groups which have emerged as a key force in opposing the policies of the new right during and after the Thatcher years. (McRobbie 1994: 198-9)

In this, McRobbie's points out that the so called, 'folk devils' that function as the object of moral panic are not necessarily passively accepting of their social subjugation, but rather 'fight back' through a range of media forms, both mainstream and alternative. (McRobbie 1994) Cottle and McRobbie's arguments usefully extend our questioning of how the implicit Gramscian assumptions underpinning Hall et al.'s understanding of how a supposed 'shared

morality' has been hegemonically formed might be concretely manifested. *Policing the Crisis*, as Zylinska notes, demonstrates a: 'recognition of the underlying antagonism between different groups' and therefore, 'serves as a permanent guarantee of the breach of the consensus and the emergence of different, more just, value systems.' (Zylinska 2004: np) As well as 'a political intervention into the workings of hegemony', therefore, the study in her view delineates an ethical proposal which 'provides an alternative to the ethos of capitalist individualism and middle-class respectability.' (Zylinska 2004: np)

McRobbie's insight suggests that a proliferation of political demands in contemporary Western societies - now subject to the influence of global mass media - means that securing a hegemonic project around a 'moral consensus' is perhaps more difficult than it once was supposed to be. Whilst this may not mean that an alternative ethos to capitalist individualism is immediately available as an alternative hegemonic project, it does suggest that either different demands are regularly voiced without threatening a core consensus, or that the capitalist ethos incorporates and accommodates a more diverse set of moral perspectives without being threatened as such. Perhaps neo-capitalism is either merely more morally flexible, or less dependent for its reproduction upon a moral consensus than was understood to be the case in the 1970s.

In the introduction to the third edition of *Folk Devils and Moral Panics*, Cohen suggests some of his own amendments to the theory, distinguishing the construction of asylum as 'crucially different' to other examples of moral panic. Somewhat sketchily, Cohen suggests that the form of moral panic surrounding asylum and refugee issues in Britain exhibits a different temporal structure and pattern of imprinting the social than had been considered typical of moral panics. Instead of a short life-span where a condition of intense social anxiety or panic then ebbs away or disappears, with asylum and refugee issues it seems that a significant level of social anxiety is continuously maintained over a longer period, punctuated and reinvigorated intermittently by dramatic events, or 'tableaux'. He notes that for some time a robust '*culture of disbelief*' about asylum seekers and their claims has penetrated 'the whole system', informing the differentiation between 'genuine asylum seekers' and 'the illegitimate'. This is compounded, Cohen suggests, by a belief in a systemic incentive, or 'pull factor' whereby Britain is conceived as a 'honey pot' attracting

migrants to the social benefits 'that await them'. (Cohen 2004 [1972]: xix) However, the 'dramatic tableaux' which appear at certain moments function to reinvigorate the moral panic, reactivating familiar rhetoric and images but also adding new material to asylum's discursive archive.

Asylum and refugee issues are remarkable, Cohen asserts, because:

although there have been intermittent panics about specific newsworthy episodes, the overall narrative is a single, virtually uninterrupted message of hostility and rejection. There is a constant background screen, interspersed with vivid little tableaux: Tamils at the airport, stripping in protest; Kurds clinging to the bottom of Eurostar trains; Chinese suffocating to death in a container lorry.' (Cohen 2004 [1972]: xix)

Indeed, as I will explore in more depth in chapter four, a growing anxiety with regard to border security has been expressed since 9/11, but this issue has also been signified through specific panic, or 'tableaux', such as in headlines such as 'HOW 1000 A NIGHT WANT TO STEAL THROUGH THE CHUNNEL' (*Daily Mail*, 20th February 2001) and images of young men seeking to scale fences and creep into lorries in order to make it through the channel tunnel to Britain from the Red Cross camp at Sangatte northern France. The story of Sangatte presents a good example of the 'overtly political' characteristics of asylum as a 'moral panic', both in terms of 'global political changes' it signifies and the 'long history in British political culture' of a particular form of public reaction to immigration. Cohen also contends that a 'legitimation' of public hostility towards asylum seekers has been perpetrated by 'successive British governments' whose approach to asylum presents 'a voice indistinguishable from the tabloid press.' (Cohen 2004 [1972]: xix)<sup>36</sup> His commentary on asylum as a new form of moral panic is suggestively compelling, presenting an image of an institutionalised and everyday asylum discourse, the considerable articulatory force of which is nourished, sustained and invested with new power by occasional bursts of sensationalised media and political attention.

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<sup>36</sup> As political communications scholars might argue, the possibility of a 'virtually indistinguishable' and 'unified' voice across press and government discourses on asylum is a moot point. As I demonstrate in chapter four there are clearly different positions concerning asylum articulated across and even within different newspapers, and also it would seem between mainstream national politicians. However, whether this means that the public discourse surrounding asylum is plural, diverse and democratic remains a different question.

## Discipline and the Securitising State: Policing the Asylum Crisis

*Today we face extreme and most dangerous developments in the thought of security. In the course of a gradual neutralization of politics and the progressive surrender of traditional tasks of the state, security becomes the basic principle of state activity. What used to be one among several definitive measures of public administration until the first half of the twentieth century, now becomes the sole criterium of political legitimation. The thought of security bears within it an essential risk. A state which has security as its sole task and source of legitimacy is a fragile organism; it can always be provoked by terrorism to become itself terroristic. (Agamben 2001: np)*

In investigating the conditions of existence of ‘mugging’ as a social phenomenon, Hall et al. direct an important part of their analysis towards the role of the control agencies. In particular, they examine the ‘closed operations’ of the police and judiciary from which institutionalised and popular definitions of ‘mugging’ were constructed. The relative detachment of the definition of mugging from the public gaze is important for understanding the importance of the control agencies and the subsequent spiralling of the issue into moral panic. As such, *Policing the Crisis* seeks to unveil some of the assumptions informing the practices of control agencies and their pronouncements relating to ‘mugging’, in particular with regard to the modes of operation employed to combat, punish and deter ‘muggers’. As I noted in the introduction, asylum has a set of control agencies of its own. Whilst the police are often involved in the investigation of immigration cases, the UK Border Agency (formerly the Immigration and Nationality Directorate of the Home Office), is responsible for processing asylum claims and has its own repressive apparatus. The Immigration officers involved in prosecuting asylum cases do not easily ‘substitute’ for the role of the police as outlined in *Policing the Crisis*, or in the conspiratorial position ascribed to them by Cohen and Gardner. They are not the uniformed ‘public face of the law’, but rather civil servants who do not tend to make policy announcements or function, in this way at least, as the ‘institutional primary definers’ of the news. Yet nonetheless, in respect of moral panic surrounding asylum, the ‘control agencies’ remain an integral part of the ‘panic equation’, as not only are acts condemned as being perpetrated against the system (seeking asylum ‘illegitimately’), but the system itself is often perceived as too lenient, and policies ‘too soft’ to contend with the threat faced. In respect of ‘mugging’, this was expressed in terms of the perceived leniency of the courts in conviction rates and sentencing policies. In regard to asylum, as I have noted above and will explore in further depth in the chapters to

follow, this is commonly manifested in an image of 'soft touch' Britain, with hopelessly inadequate border controls in the face of determined 'illegal migrants' masquerading as 'genuine refugees'.

Much work in recent years has focused upon security and the idea of the securitisation of the asylum system. (Bigo 2001; Bigo 2002; Buonfino 2004; Runnymede Trust 2004; Weber and Bowling 2004; Bigo 2006; Huysmans 2006; Bigo 2007; Diez and Squire 2008)

The policing and control of refugees in Europe has been conflated with international cooperation in other areas, in particular in respect of combating crime and the threat of terrorism. (Hayter 2004; Solomos and Schuster 2004) As such, Nyers argues, questions surrounding asylum and immigration have increasingly been framed by governments 'through the prism of security.' (Nyers 2003)

As Agamben argues, a new exceptionalism in forms of government has developed in recent years, fundamentally rearticulating not just the relationship between the state and the refugee, but also the identity of the state itself:

*If in the system of the nation-state the refugee represents such a disquieting element, it is above all because by breaking up the identity between man and citizen, between nativity and nationality, the refugee throws into crisis the original fiction of sovereignty. Single exceptions to this principle have always existed, of course; the novelty of our era, which threatens the very foundations of the nation-state, is that growing portions of humanity can no longer be represented within it. For this reason - that is, in as much as the refugee unhinges the old trinity of state/nation/territory - this apparently marginal figure deserves rather to be considered the central figure of our political history. (Agamben 2005: np)*

## Summary

*Epistemologically, articulation is a way of thinking the structures of what we know as a play of correspondences, non-correspondences and contradictions, as fragments in the constitution of what we take to be unities. Politically, articulation is a way of foregrounding the structure and play of power that entail in relations of dominance and subordination. Strategically articulation provides a mechanism for shaping intervention within a particular social formation, conjuncture or context. (Slack 1996: 112)*

Articulation in the work of Laclau and Mouffe expresses that there are no 'rational' or necessary links between concepts. Rather, articulation is 'any practice establishing a

relation among elements such that their identity is modified as a result of the articulatory practice.’ (Laclau and Mouffe 1985: 105) A ‘structured totality’ resulting from articulation (when free-floating discursive objects, or ‘elements’ are transformed into differential ‘moments’) is that which Laclau and Mouffe identify as ‘discourse’. As such, the relations between the moments of a particular discourse are not associated with one another by any underlying principle, but rather their links are ‘merely connotative’, and established ‘by custom or opinion’. (Slack 1996)

As part of my analysis of the construction of an ‘asylum crisis’ discourse in chapter four, for example, I argue that the idea of ‘persons fleeing persecution’ is clearly connected to or conflated with the idea that ‘Britain is a “soft touch” for economic migrants’ - a very familiar theme in British tabloid newspapers. Focusing upon different asylum story issues, (legal aid costs and a proposed ‘amnesty’ for failed asylum seekers), each article effectively illustrates a process of articulation. A leader article *The People*, highlights the rising legal aid budget for the processing of asylum cases. It opens with the lines:

Britain can be proud of herself as a compassionate and tolerant country welcoming to our shores genuine refugees fleeing violence and persecution. But we should not be taken for mugs, either. And that is what too many asylum seekers are doing. (*The People*, 29th August 2004)

The articulation is illustrated differently in *The Daily Mail* article, ‘AN AMNESTY THAT SPELLS SURRENDER’, where the expression ‘soft-touch Britain’ is supplemented with the disclaimer: ‘This paper passionately supports Britain's proud tradition of sheltering those genuinely fleeing persecution’. (*Daily Mail*, 15th November 2003) In both articles the articulation of ostensibly unconnected ideas, ‘soft touch Britain’ and ‘people fleeing persecution’ transforms the meaning of each, and produces a discourse expressing that there is reason to suspect that many asylum seekers are not genuinely fleeing persecution.

Laclau and Mouffe’s theorisation of the concept of ‘articulation’ allows us to see that there are no inherently logical relations that articulate concepts, but instead concepts are merely bound together by connotation or evocative links. In *Hegemony and Socialist Strategy* they assert:

a discursive formation is not unified either in the logical coherence of its elements, or in the a priori of a transcendental subject, or in a meaning-giving subject a la Husserl, or in the unity of an experience. (Laclau and Mouffe 1985: 105)

Rather, the coherence of a discourse is attributed to 'regularity in dispersion'.<sup>37</sup> This entails the idea that in knowledge 'dispersion itself' is 'the principle of unity' insofar as it is governed by rules of formation, by the complex contradiction of existence of the dispersed statements.' (Laclau and Mouffe 1985: 105) The "regularity" of this dispersion takes the form of an 'ensemble of differential positions' which is signified as a discursive totality. (Slack 1996: 119) As, following Saussure, all identity is relational, (i.e. identity only has a differential value in terms of its opposition to other identities and not by reference to any underlying principle or determining point of reference), Laclau and Mouffe can assert:

The objective world is structured in relational sequences which do not necessarily have a finalistic sense and which, in most cases, do not actually require any meaning at all: it is sufficient that certain regularities establish differential positions for us to be able to speak of a discursive formation. (Laclau and Mouffe 1985: 105)

From this, it is asserted that there is no true or necessary links between concepts, but rather only evocative and connotative links established by metaphorical processes (which I will outline in further detail below).<sup>38</sup> However, as systems of meaning or ideas articulated in this way, discourses are unstable systems, vulnerable to challenge and open to re-articulations with other ideas or concepts, as 'no discursive formation is a sutured totality and the transformation of elements into moments is never complete.' (Laclau and Mouffe 1985: 105) However, it remains to be explained how certain discourses actually do become, at least partially stable.

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37 'Regularity in dispersion' is a concept derived from Foucault's *Archaeology of Knowledge*. Foucault, M. (1972). *The Archaeology of Knowledge and the Discourse on Language* New York, Pantheon Books.

38 However, these relations do not have a necessary character because the discursive totality does not have a differential logic 'without any limitation'. Rather, the differential logic is incomplete, and limited by an 'exterior' – a 'surplus of meaning' (which Laclau and Mouffe call the 'field of discursivity'), which disrupts an endlessly differential logic. This 'exterior' is the necessary terrain that makes possible any articulatory practice, as 'there is no social identity fully protected from a discursive exterior that deforms it and prevents it becoming fully sutured.' Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London & New York, Verso. (p.110-1)

## *Chapter Three: Theoretical and Analytical Approach*

### **Introduction**

The review of literature in the previous chapter has begun to delineate some key aspects of the conceptual and theoretical framework that informs my approach. This chapter explores in more detail the range of perspectives drawn from cultural, social and political theory, which will be central to my analysis through the forthcoming chapters. The arguments introduced here will be further developed in the case studies exploring the key features and dynamics of the dominant asylum discourse in the UK since 1997.

One of the key aims of my study is to explore how asylum has been constructed a social, cultural and political issue under New Labour. Through an engagement with the concept of 'moral panic', and cultural theories concerned with anti-essentialist notions of identity and representation presented in the previous chapter, I have indicated that my approach to examining the apparent 'crisis' surrounding the arrival and presence of asylum seekers in the UK in the late 1990s and early 2000s is not to consider it as an objective phenomenon. In this, it is not my aim to argue that there is a more 'true', or 'non-crisis' version of asylum in the UK, but rather to consider the conditions of possibility which have existed for the construction of an 'asylum crisis', and the practices and technologies through which this has been established, maintained and responded to as such. Unlike traditional empirical studies of government policy or mass communications approaches to the study of media coverage on a particular topic therefore, my study does not aim to produce an archival history of immigration and asylum law, or of news reporting on this topic. Rather, following Michel Foucault's work on 'discourse' as it has been developed and rearticulated within the post-Marxist theory of Ernesto Laclau and Chantal Mouffe as well as other post-foundational theoretical thinkers (as I will explain in greater detail below), my research presents a genealogical study which approaches asylum and refugee issues as a 'history of the present'. In this, my priorities are to explore the conditions of possibility for governmental power surrounding and implicating asylum, and its functions and technologies, both restrictive and productive.



As I will explain in further detail below, and develop within my case study analyses, Foucault's concern with subjection, the exercise of power upon the body and with disciplinary, governmental and securitising mechanisms provides an important conceptual framework for investigating questions surrounding the construction of an 'asylum crisis', regimes of asylum detention, and the positioning of asylum seekers as a threat to security. With Foucault, I define my object of analysis in terms of discourse, but through an engagement with the discourse theory Laclau and Mouffe and their critique of Foucault and systematic development of the internal mechanisms of the concept. (Laclau and Mouffe 1985) This chapter outlines a conceptual framework developed through an encounter with each of these key influences and begins to demonstrate how my analyses in subsequent chapters will work through a critical engagement with their theory and that of a range of other political and cultural theorists. In this, the chapter is intended to delineate the main areas of social theory that orientate my study, but also to indicate how this will be further developed and refined as I engage with my object of study throughout the thesis. The chapter also defines a relationship between a theory of the social derived from post-Marxian discourse theory and the empirical texts that will be subjected to critical analysis through a series of case studies developed in the chapters that follow. In this my concern is to conceptualise the relation between text and context, or what some scholars have termed small d 'discourse' (to refer to analyses of the work of particular texts or discursive sites, such as newspaper articles, or policy documents) and 'Discourse' (the wider ideological social, cultural and political milieu through which the conditions of possibility for such texts are constituted and to which they, in turn contribute). (Sutherland 2005) To the extent that an analytical distinction is useful, I will tend to refer to the empirical material of my analyses as 'texts' and to the wider discursive structures as discourse. The texts analysed throughout the study are primarily drawn from the policy documents and political speeches of national politicians, as well as national news media representations of asylum and refugee issues since 1997. Through a critical engagement with these texts I consider several key moments in the constitution of asylum discourse, including important discursive shifts re-positioning, or re-articulating asylum as 'an issue' during this period. The field of critical discourse analysis (CDA) is an influence upon my approach here, in terms of techniques for the analysis of linguistic and rhetorical characteristics of texts. (van Dijk 1988; Fairclough 1989;

Fairclough 1992; van Dijk 1993a; Fairclough 1995a; Fairclough 1995b; Fairclough 2000; van Dijk 2000b)

### **The Analysis of Discourse**

Discourse theory provides an approach to the critical analysis of power, and specifically for the production, reproduction or contestation of discourses surrounding asylum, including the construction of social identities and social relations that are formed in relation to and through those discourses. However, within a discourse theoretical framework of understanding the social, I also aim to identify in more detail, at a more micro level of analysis, how those discourses take concrete forms and how they are articulated through particular texts across different discursive sites. In my study, this includes for example, exploring the discursive construction of asylum within national print and broadcast news, and within the political speeches and policy documents produced by national politicians and mainstream political parties. This involves a degree of mediation between theoretical premises, aims and different disciplinary languages and research programmes - specifically between the poststructuralist political philosophies discussed above, and those of critical linguistics (CL) and critical discourse analysis (CDA). Whilst the former tends towards a more 'abstract mapping of the discourses that circulate in society', the latter tend to consider units larger than sentences as 'texts', taking these as their basic unit of analysis in order to examine 'text and context-dependency of meanings'. (Jørgensen and Phillips 2002: 3)

However, the research priorities defined through Laclau and Mouffe's discourse theory to examine the conditions of possibility for the dominant hegemonic discourses surrounding asylum in the UK, and to explore the points of contradiction or potential dislocation within those discourses inform my approach to the analysis of text. As Laclau and Mouffe argue, all that appears necessary bears the traces of its internal subversion or contingency:

This presence of the contingent in the necessary is what we earlier called *subversion*, and it manifests itself as symbolization, metaphorization, paradox, which deform and question the literal character of every necessity. Necessity, therefore, exists not under the form of an underlying principle, of a ground, but as an effort of literalization which fixes the differences of a relational system. The necessity of the social is the necessity proper to purely relational identities - as in the linguistic principle of value - not nature "necessity" or the necessity of an analytical

judgement. "Necessity", in this sense, is simply equivalent to a "system of differential positions in a sutured space". (Laclau and Mouffe 1985: 114)

In identifying the relevant symbols, metaphors or paradoxes within and across texts which serve to invest the dominant discourses surrounding asylum with a sense of cohesion and 'truth', the study draws upon analytical tools drawn from the cognate fields of critical linguistics (CL) and critical discourse analysis (CDA). (van Dijk 1988; Fairclough 1989; Fowler 1991; van Dijk 1991; Fairclough 1992; van Dijk 1993a; Billig 1995; Fairclough 1995a; Fairclough 1995b; Wodak and Reisigl 1999; van Dijk 2000a; Wodak and Meyer 2001; Chilton 2004; Conboy 2004; Richardson 2006; van Dijk 2006)<sup>39</sup> Within these broad and interdisciplinary fields, a wide and varying range of analytical tools, methods and techniques for analysis have been developed, many of which draw upon Hallidayan functional systemic linguistics, but also applied linguistics, pragmatics and classical rhetoric for empirical study. (Halliday 1994)

Scholars working within the field of CDA in particular, explicitly identify their work as political and/or ethical interventions into social problems. (Wodak 2001: 7) Although a range of methodological approaches have been developed within CDA, as Fairclough and Wodak state, CDA scholars share in common the idea of 'language as social practice', and as Wodak also notes, their work emphasises the context of language use, drawing deliberate attention to social inequalities, the production of social problems and conflicts or suffering, and presenting explicit critiques of power. In its aims as an ethical and political intervention, my own cultural study of asylum can be described, albeit through the conduit of post-Marxism, as aligned with the 'critical' priorities of CDA. It seeks to explore the antagonistic articulation of asylum, and is motivated by the imperative to reject the stigmatising representations and dehumanising social positioning of asylum seeker identities, and to draw attention to these as issues of injustice. This is still to insist upon the contingency of the structural determinations of contemporary asylum seeker experiences, the articulation

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39 As Wodak notes, the terms 'Critical Discourse Analysis' (CDA) and 'Critical Linguistics' (CL) have often been used interchangeably in recent years. CDA emphasises the context for language use and the relationship between language and power, and applies itself more explicitly to addressing social inequalities than CL. Wodak, R. and M. Meyer, Eds. (2001). *Methods of Critical Discourse Analysis*. London, Sage.

of a dominant, negative discourse surrounding asylum and the disciplinary apparatus to which asylum seekers are subject. According to Wodak's definition:

CDA may be defined as fundamentally concerned with analysing opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language. In other words, CDA aims to investigate critically social inequality as it is expressed, signalled, constituted, legitimized and so on by language use (or in discourse). (Wodak 2001)

Here the 'opacity' (or otherwise) of structural relationships and the exercise of power through language is accepted to the extent that power is not be reduced to a simple notion of 'the will of the ruling class', or a conception of the operation of ideology as promoting 'false consciousness'. Rather, as discussed above, my approach embraces the post-Marxist insights of Laclau and Mouffe's discourse theory and Foucauldian theories of power as I will discuss in this chapter. My analyses of the relationship between such texts and their contexts – the wider social discourse within which they are produced and consumed is informed by post-foundational discourse theory. (Laclau and Mouffe 1985) Post-Marxism, I argue, offers an important means through which the relationship between text and context might be rethought in this field, and as such a synthesis between CDA approaches and the post-foundational, post-Marxist theories of discourse analysis represents one of the contributions of this study.

### **Analysing Asylum Discourse: An Ethical Political Intervention?**

As a genealogical investigation, the study will seek to account for the rules of formation of asylum discourse, adopting 'a method of diagnosing discursive practices from within them.' (Torfinn 1999: 91) Rather than privileging questions such as, 'why do some people seek asylum in the UK?' or 'what proportion of asylum claims are legitimate in the contemporary conjuncture?', my approach focuses instead upon questions such as how the line between the legitimate and illegitimate asylum seeker is defined and maintained, 'how these divisions are operated' (Foucault 1991a: 74) and what are their conditions of possibility and discursive effects. My approach also does not foreground normative questions such as what the category of asylum *should* mean, for example as an all embracing humanitarian paradigm, or a more exclusive category reserved specifically for the politically persecuted. (Price 2009) However, as my discussion in the final chapter demonstrates, this does not

mean that such questions do not come into play as part of the ethical dynamic informing my research. Such an ethics, however, is, to borrow from Rey Chow, an ethics 'after idealism' (Chow 1998), which in its concern with questions of justice has to overcome the obstacle of its own post-foundational philosophical perspective - its 'incredulity towards metanarratives'. (Lyotard 1984) In challenging the notion that any universal ground (or metanarrative) guarantees or determines history, and that of any individual rational subject exercising judgement outside of the discourses within which they and their object of study are constituted, the poststructuralist occupies a rather difficult position as analyst:

precisely because of this denial of metalanguage (a "master narrative"), the poststructuralist "subject" must *also* speak as if it is fully conscious of itself, of its "position", of its limits – hence the endless self-referential digressions, qualifications, apologies, anticipations of criticisms, and so on. (Chow 1998: 40)

Because of this, Chow argues, a certain strategic pragmatism is rendered necessary in order to make 'useful' political interventions which are, nonetheless, 'firmly grounded in an understanding of the dangers of essentialism and metalanguage'. (Chow 1998: 41) As Spivak argues, this may entail the admission of a degree of compromise of theory in the interest of an ethico-political intervention:

You pick up the universal that will give you the power to fight against the other side, and what you are throwing away by doing that is your theoretical purity. Whereas the great custodians of the anti-universal are obliged therefore simply to act in the interest of a great narrative, the narrative of exploitation, while they keep themselves clean by not committing themselves to anything. In fact they are actually run by a great narrative even as they are busy protecting their theoretical purity by repudiating essentialism. (Spivak 1990: 12 cited in Chow 1998)

However, this rather depends upon how the relationship between anti-essentialism and political intervention is theorised. According to Ernesto Laclau, "'Essentialism" alludes to a strong identity politics, without which there can be no bases for political calculation and action. But that essentialism is only strategic - that is it points, at the very moment of its constitution, to its own contingency and its own limits.' (Laclau 1996d: 51) As I will explore further below, Laclau and Mouffe's theory of the contingency of all social identity and of the interdependent relationship between the universal and the particular in politics provide a useful means through which this debate can be negotiated, and an important critique of the possibility of theoretical purity of any political intervention.

In developing my analyses, therefore, I do not assume that I can 'stand outside' of discourse. Following Foucault, my approach, 'rejects the metahistorical deployment of ideal significations and indefinite teleologies. It opposes itself to the search for "origins". (Foucault 1971: 77) However, as I intend to demonstrate in the discussion below, this neither means that an ethico-political intervention is impossible, nor that the development of a valid and meaningful investigation is necessarily inhibited.

### ***Post-Marxism and Discourse Theory***

The post-Marxist and poststructuralist theory of Laclau and Mouffe is central to my approach because, as outlined in the previous chapter, this provides a conceptual frame through which to question how the frameworks of ideas, policies and social practices surrounding asylum and refugee issues have come to be constituted as 'common sense'<sup>40</sup> in this particular conjuncture, but also to imagine how the hegemonic discourse surrounding asylum might be challenged, shifted or changed. In this section, I discuss in more detail how the theoretical apparatus of discourse theory is useful for my investigation. Drawing upon the work of Laclau and Mouffe, as well as that of Foucault, I will further refine the poststructuralist social ontology which informs my research, and begin to delineate the concepts (to be further explored in the case studies of the chapters to follow) through which power is understood to operate in the constitution, reproduction or dissolution of discourses surrounding asylum, its subject positions and social relations.

### **Ontology, Ideology and the Social Construction of 'Reality'**

Laclau and Mouffe's social ontology, like that of Michel Foucault, assumes that the social is discursively constructed. In developing their theory of discourse upon which this is premised, however, Laclau and Mouffe engage far more directly than Foucault with the development of Marxist thought. Indeed, Laclau and Mouffe directly critique the 'economic

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40 According to Gramsci, 'Common sense is not something rigid and stationary, but is in continuous transformation, becoming enriched with scientific notions and philosophical opinions that have entered into common circulation. 'Common sense' is the folklore of philosophy and always stands midway between folklore proper (folklore as it is normally understood) and the philosophy, science, and economics of the scientists. Common sense creates the folklore of the future, a relatively rigidified phase of popular knowledge in a given time and place'. Gramsci, A. (1985). *Selections from Cultural Writings*. London, Lawrence & Wishart. (p.421)

reductionism' of classical Marxism and the kernels of essentialism which they regard as perpetuated in its variants through the twentieth century. In the work of structuralist Marxist, Louis Althusser, the notion that the 'real' meaning of our everyday lives and communicative experiences could be transparent to us is fundamentally questioned. In Althusserian Marxism, our experience of 'reality' is constructed by ideology, where superstructural effects distort and distance us from an awareness of our 'real' conditions of exploitation which are determined at the level of the economic base. Althusser describes ideology as a system of representation in which, 'the imaginary relation of [...] individuals to the real relations in which they live intervenes in or mediates everyday lived experience and social relations.' (Althusser 1971: 165) Here, ideology is more than a matter of 'false consciousness' as it is articulated in classical Marxism (Engels, cited in Ryan 2000) Rather, our everyday experiences are mediated by our imaginary relationships to the real relations – imaginary relationships which are constituted and experienced through institutions that Althusser calls 'ideological state apparatuses' (ISAs). Together with 'repressive state apparatuses' (RPAs) (such as the police or armed forces), the operation of ideology through ISAs (such as the mass media, schools, the family, religion or the law) are central to maintaining and reproducing social order, conditioning our experiences. So, for example, the reason why being a low paid worker, or alternatively being a member of the managerial class are experienced and accepted as 'ordinary life' is because these subject positions are constituted through ISAs, which continuously 'hail' or 'interpellate' us as, for example, working class, or as managerial class *subjects*. As Althusser notes:

Ideology "acts" or "functions" in such a way that it "recruits" subjects among the individuals (it recruits them all), or "transforms" the individuals into subjects (it transforms them all) by that very precise operation which I have called *interpellation* or hailing, and which can be imagined along the lines of the most commonplace everyday police (or other) hailing: "Hey, you there!" Assuming that the theoretical scene I have imagined takes place in the street, the hailed individual will turn round – [...] he becomes a subject. (Althusser 1971: 174)

Through the process of interpellation by ISAs, according to Althusser, we recognise and accept our subject positions within society (as workers with a duty to respect authority, for example, or as those who will embody or represent it, or as British subjects who respect the Queen and the Union flag). Subject positions (and the social relations and experiences and behaviours associated with them) become so 'naturalised' and accepted as part of the

common sense order of society that the powerful ideological role of the ISAs is obscured. Subsequently cultural studies theorists, following Gramsci, have criticised the thesis that there is one dominant ideology, determined by the ruling classes within a capitalist system which determines our subject positions, relations and experiences, and, have emphasised the agency of individuals and their ability to resist the ideological forces which would determine their experiences in a particular way. (Hall 1980; Morley 1980; Gramsci 1991) Indeed, the complex discursive construction of subject positions forms an important focus for my empirical research, and it is through different discourses that the subject is positioned in multiple and potentially contradictory ways.

Laclau and Mouffe's view liberates ideology from a theory necessarily tied to a vision of the political defined by class, and broadens analyses of power relations in society in a manner which can consider the power relations between an unlimited range of social differences, whether on the basis of class, gender, sexuality, ethnicity or other classificatory categories. Indeed, the decentring of economic relations means that it no longer appears meaningful to categorise a social class as the ontologically privileged agents for social change. Class reductionism – the 'last remnant of essentialism' in the Marxist work of Antonio Gramsci according to Laclau and Mouffe - not only represents a failure to account for the concrete variations in the discourse of classes, but also to account for those whose subjective position within the social cannot be adequately accounted for by class. In line with their wider concerns to systematically critique Marxism through a poststructuralist lens, measuring Marxist assumptions against a radical anti-essentialism, Laclau and Mouffe challenge the notion that the social formation is fundamentally determined 'in the last instance' at the level of productive relations and Gramsci's conception of 'the fundamental classes of capitalist production' as 'the fundamental social groups' (Hall 1996: 48) In respect of asylum, this is particularly important, as, as explored in the previous chapter, although economic factors may often be a factor, explanations for negative discourses surrounding asylum seekers and their political and cultural dynamics may be far more complex, and clearly not reducible or attributable to economic relations alone.

According to Hall, for Marxist scholars including Althusser and Antonio Gramsci, the concept of ideology operates upon the unconscious in a manner which materially shapes society:



All societies require specific ideologies, which provide those systems of meaning, concepts, categories and representations which make sense of the world, and through which men come to "live" (albeit "unconsciously" and through a series of "misrecognitions"), in an imaginary way, their relation to the real, material conditions of their existence (which are only representable to them, as modes of consciousness, in and through ideology) [...] ideologies are not simply "in the head", but are material relations - what Lenin called "ideological social relations" - which shape social actions, function through concrete institutions and apparatuses, and are materialised through practices. (Hall, Critcher et al. 1978: 204)

Following the post-foundationalist thinking of Laclau and Mouffe, another problem potentially remains in respect of the concept of ideology - the notion that the constitution of ideas or systems of thought, social relations or identities (the ideological superstructure) might be secured or guaranteed by reference to any objective 'reality' or 'ground'. In particular, regarding the economy as an objective system which *necessarily* and in the last instance secures social divisions and social meaning is fundamentally challenged as economic reductionism, or 'economism.' (Laclau and Mouffe 1985: 112) Rather, economic relations, as any other relation, are regarded to be discursively constructed, and all discursive constructions as characterised by a fundamental instability and 'unfixity'. Drawing upon Derridean deconstruction,<sup>41</sup> Laclau and Mouffe develop a radical critique of economism - the idea that 'society' is fully intelligible through an explanatory framework which places the economy at its centre. For Laclau and Mouffe 'society' is name given to the absent fullness of meaning within the social: 'the social does not manage to fix itself in the intelligible and instituted forms of a *society*, the social only exists, however, as an effort to construct that impossible object', and it is through discourse that the social context of what we understand as 'society' is rendered meaningful to us. The concept of structure Derrida asserts, is:

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41 Derrida's concept of 'différance' draws attention to the idea that signs never fully bring a full and complete meaning into focus. Rather, signs are only defined through reference to their difference from other signs. Différance therefore refers to the meaning making function of difference, but to also the verb to defer, as a 'final' meaning is always indefinitely postponed, its definition referred on and on – a play of difference through an infinite chain of signifiers. For Derrida, differences are never benign or neutral. Elements are differentiated by a force of violence which establishes hierarchies. These hierarchies are most clearly recognised in constructions such as binary oppositions, where one term is privileged or more highly valued over another (e.g. good-bad; strong-weak; rich-poor). Derrida, J. (1982a). Différance. Margins of Philosophy. J. Derrida. Chicago & London, University of Chicago Press.

the concept of a play based on a fundamental ground, a play constituted on the basis of a fundamental immobility and a reassuring certitude, which itself is beyond the reach of play. (Derrida 2002: 352)

The reassurance of structure lies in the presupposition of a centre (in classical Marxism, the role of the centre in the social structure is filled by the economy),<sup>42</sup> which functions to curtail the play of differences (or chains of signification) through which all meaning is constructed. The role of the centre is 'not only to orient, balance, and organize the structure', but more importantly, 'to make sure that the organizing principle of the structure permits the play of its elements inside the total form'. (Derrida 2002: 352) It is necessary, for any structure to be intelligible to us for meaning to be experienced as if it is stable, and thus for the endless proliferation of meaning through relations of difference to be limited.

As Derrida notes:

structure, or rather the structurality of structure - although it has always been at work, has always been neutralised or reduced, and this by a process of giving it a centre or of referring it to a point of presence, a fixed origin. (Laclau and Mouffe 1985: 112; Derrida 2002: 352)

It is only with reference to the economy within classical Marxism, for example, that the differential social relations and experiences of the ideological superstructure could be meaningfully secured. As Torfing notes, post-Marxists argue that in order to secure a sense of identity for any object, 'mastery is achieved by suppression of the play of meaning by a privileged centre which is itself beyond play.' (Torfing 1999: 40) According to Derrida, in order for the centre to escape the play of signification (i.e. to ensure that the centre is protected from being seen as just one more difference in a signifying chain), its position and function is imagined somewhat paradoxically - simultaneously situated within the structure (of the structure), and envisaged as if on the outside (a necessary position from which to perform its ordering function). Derrida argues that this at once inside/outside function makes the centre a 'contradictorily coherent' concept, our acceptance of which *as* coherent allows for a myth of its 'full presence' to prevail. (Derrida 2002: 353) Imagining the centre as

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42 Whilst this 'full presence' has received many names throughout history, Derrida contends: 'It could be shown that all the names related to fundamentals, to principles, or to the centre have always designated an invariable presence – eidos, arche, telos, energia, ousia (essence, existence, substance, subject) aletheia, transcendental, consciousness, God, man, and so forth.' Derrida, J. (2002). *Writing and Difference*. London and New York, Routledge. (p.353)

a 'full presence' therefore, reflects 'the force of a desire' to quell the anxiety of 'a certain mode of being', that of 'being caught by the game, of being as it were at stake in the game from the outset.' (Derrida 2002: 352) The myth of full presence performs a reassuring and ordering function for meaning - central to signification processes – and therefore for our sense of what *is* underpinning all identity.

For Laclau and Mouffe, Derrida demonstrates it is necessary to rethink 'the possibility of fixing a meaning which underlies the flow of differences'. (Laclau and Mouffe 1985: 112) This presents a radical challenge to base-superstructure Marxism, (and to all totalising, essentialising or foundationalist assumptions about signifying systems), but it also presents an opportunity to conceive of the conditions of possibility for social phenomena much more broadly.<sup>43</sup> If there is no centre – no one explanatory concept or 'transcendental signifier' that underlies and directs the production of meaning (e.g. God) - and the concept of an objective and knowable 'reality' lying beyond a signifying system is unsustainable, then signifying systems must instead be seen as not just fundamentally unstable representations of the world, but our only means of meaningfully experiencing it. From this perspective, meaning is constructed in a far less 'automatically coherent' way, ungoverned by certainties pre-destined in advance and unorganised a priori by a set of signifying rules that are continuous and consistent. Unlike for Foucault, for Laclau and Mouffe, there is no 'non-discursive terrain' that exists beyond signifying systems, no 'reality' beyond our understanding or experiences of the world which functions as a constant arbiter of the 'accuracy' of our perceptions of reality, but rather, 'every object is constituted as an object of discourse, insofar as no object is given outside every discursive condition of emergence'.

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43 'It became necessary to think both the law which somehow governed desire for a centre in the constitution of structure, and the process of signification which orders the displacements and substitutions for this law of central presence – but as a central presence which has never been itself, has always already been exiled from itself into its own substitute. The substitute does not substitute itself for anything which has somehow existed before it, henceforth, it was necessary to begin thinking that there was no centre, that the centre could not be thought in the form of a present-being, that the centre had no natural site, that it was not a fixed locus but a function, a sort of non-locus in which an infinite number of sign-substitutions came into play. This was the moment when language invaded the universal problematic, the moment when, in the absence of a centre or origin, everything became discourse – provided we can agree on this word, that is to say, a system in which the central signified, the original or transcendental signified, is never absolutely present outside a system of differences. The absence of the transcendental signified extends the domain and the play of signification infinitely.' (Derrida, cited in Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London & New York, Verso. (p. 112)

(Laclau and Mouffe 1985: 112)<sup>44</sup> Therefore, the assertion of no non-discursive terrain does not mean that outside of any thought or expression of asylum seekers, there would be no human beings arriving at UK ports looking for sanctuary. Rather, it means that as soon as there is an ascription of any meaning to this phenomena, as soon as those arriving are recognised as such, or named as 'asylum seekers', their existence is no longer outside of discourse.

Ideology then, for Laclau is a concept which does not refer to 'false consciousness', or to a distinct level of relations (such as the superstructure), but a term reserved for the will to totality and the 'myth of closure' which attends totalising discourses: 'Ideology is the representational, metaphorical and precarious closure that stabilizes meaning within specific contexts' (Laclau 2006: 103)<sup>45</sup> As such, any inherent notion in the concept of ideology that the 'truth' might be 'revealed' is fundamentally challenged. In this Laclau and Mouffe share with Michel Foucault a rejection of the idea that there can be any authentic 'true' interpretation of any social reality, insisting instead that there are only discursively constructed 'truth effects' within any context of meaning.

### **Laclau and Mouffe and Foucault**

Foucault's work is an influence upon the theory of Laclau and Mouffe in terms of his argument that power and truth are constituted through discourse. For Foucault, truths are produced discursively because of the relation forged between power and knowledge: 'it is in

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44 Laclau and Mouffe clarify their assertion that there is no non-discursive terrain as follows: 'The fact that every object is constituted as an object of discourse has nothing to do with whether there is a world external to thought, or with the realism/idealism opposition. An earthquake or the falling of a brick is an event that certainly exists, in the sense that it occurs here and now, independently of my will. But whether their specificity as objects is constructed in terms of "natural phenomena" or "expressions of the wrath of God", depends upon the structuring of a discursive field. What is denied is not that such objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence.' Ibid. (p.108)

45 As a coda to an essay which mentions the term 'ideology' very little, Laclau notes: 'We are however reluctant to entirely abandon the notion of ideology. I think it can be maintained if its meaning is given, however, a particular twist. As we have seen, there is something essentially catachrestical in any precarious stabilisation of meaning. Any 'closure' is necessarily tropological. This means that those discursive forms that construct a horizon of all possible representation within a certain context, which establish the limits of what is 'sayable' are going to be necessarily figurative. They are, as Hans Blumenberg called them, 'absolute metaphors', a gigantic as if. This closing operation is what I would still call ideological which, in my vocabulary, as should be clear, has not the slightest pejorative connotation.' Laclau, E. (2006). "Ideology and Post-Marxism." *Journal of Political Ideologies* 11(2): 103-114. (p.114)

discourse that power and knowledge are joined together.’ (Foucault 1984: 100) Discourse is defined as a form or, rather a structure of ‘knowledge’, in which a system of thought is invested with power. What is held to be the ‘truth’ about asylum can therefore be seen as inherently political - the outcome of an exercise of power:

power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. (Foucault 1991 [1977]: 27)

As such, power in the Foucauldian sense is more complex than simply something which individuals or certain privileged groups can stand ‘outside’ of and independently ‘use’. Whilst it may seem counter intuitive from a critical or rational perspective, understanding discursive power in this way means that it cannot to be, in any straightforward sense ‘deployed’ to achieve certain outcomes, for instance by social elites to subjugate the lower classes or by racist groups to oppress minority ethnic groups. Rather, all subjectivities, whether socially privileged or disadvantaged, are subjects to and of power, and their social identities or subject positions constituted through discourse. This is not to suggest that particular individuals or groups do not have intentions or political strategies that they endeavour to put into effect. Rather, Foucault contends that, ‘People know what they do; they frequently know why they do what they do; but what they don’t know is what what they do does.’ (Foucault, cited in Hardy 2003: 464) Indeed, as discussed in the previous chapter, aside from the ‘agendas’ of mainstream politicians and negative ‘campaigns’ of certain sections of the press in problematising asylum or stigmatising migrants, there are also in existence a range of interest and pressure groups which seek to influence the public discourse, from the far-right British National Party (BNP) and anti-immigration organisations such as *MigrationWatch UK* to the asylum rights advocacy work of organisations such as the *National Coalition for Anti-Deportation Campaigns* (NCADC), *Bail for Immigration Detainees* (BID) and the *No Borders Network* (NBN) - each with varying degrees of success in having their voices heard.<sup>46</sup> Whilst the reasoning and ‘knowledge’ upon which such parties base

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<sup>46</sup> As discussed in the previous chapter, empirical studies examining the content of newspapers, for example, have regularly demonstrated patterns suggesting an overwhelming reliance upon official or elite voices, especially those of politicians and immigration officials in the reporting of asylum and immigration stories. Of

and represent their strategies, as Hardy notes, 'cannot exist independently of the individual identities that produced it or the broader network of power relations in which it was produced' (Hardy 2003: 465), this does not mean that those individuals are rational autonomous subjects, nor that they are in control of what they discursively produce. How the asylum seeker is made a subject and rendered knowable is instead a result of the power/knowledge dynamics which prevail at any given moment in the social domain.

Foucault asserts that:

we must not imagine a world of discourse divided between accepted discourse and excluded discourse, or between the dominant discourse and the dominated one; but as a multiplicity of discursive elements that can come into play in various strategies. (Foucault 1984: 100)

The strategies through which discursive elements actually 'come into play' are for Foucault, inherently political and inextricably related to the exercise of power and power's mutually reinforcing relationship to knowledge. However, because power is discursively constructed, it is not conceived as sovereign, held and exercised by individuals or groups. Rather through discourse as power/knowledge:

Power must be analyzed as something which circulates, or rather something which only functions in the form of a chain. It is never localized here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. (Foucault 1980: 98)

Through various strategies, including public policy and its practices, political speeches and pronouncements and news media narratives - the practices of the institutions and organisational contexts of the 'policy domain'<sup>47</sup> (Hardy 2003: 468) - discursive elements are brought 'into play', functioning as sites through which asylum seeker identities are differentiated and defined. As the asylum seeker is discursively positioned, so too is the 'law abiding British citizen' in relation to whom the asylum seeker is often defined. As I will explore further in chapter four, the articulation and performance of these subject positions

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those few sources drawn from pressure groups, Sir Andrew Green from *MigrationWatch UK* has been used far more frequently than those organisations which might be categorised as pro- or migrant rights.

47 Hardy classifies 'the policy domain' in broad terms to encompass, 'a variety of different organizations, including government, nongovernment organizations (NGOs), and refugee organizations, as well as the courts, the media, and the public' Hardy, C. (2003). "Refugee Determination: Power and Resistance in Systems of Foucauldian Power." *Administration and Society* 35(4): 462-488.

is clearly a critical element in the construction of boundaries between those who are and who are not welcome.

Destabilising the idea of a sovereign, rational subject and recognising subjects as socially constructed in this way, therefore radically problematises the notion of agency. Apparently 'objective' decisions are not determined from within an 'essential' subject, but rather also seem the result of the combination of discursive elements which 'come into play', as Foucault argues:

These "power-knowledge relations" are to be analysed, therefore, not on the basis of a subject of knowledge who is or is not free in relation to the power system, but on the contrary, the subject who knows, the objects to be known and the modalities of knowledge must be regarded as so many effects of these fundamental implications of power-knowledge and their historical transformations. In short, it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge. (Foucault 1991 [1977]: 27-8)

Both Laclau and Mouffe and Foucault are concerned therefore with understanding the conditions of possibility for discourses. Foucault's genealogical approach is concerned, at perhaps a more detailed level with reconstructing how discursive elements are distributed, including:

the things said and those concealed, the enunciations required and those forbidden, that it compromises; with the variants and different effects – according to who is speaking, his position of power, the institutional context in which he happens to be situated - that it implies; and with the shifts and reutilizations of identical formulas for contrary objectives that it also includes. (Foucault 1984: 100)

As I explore in this study through the case studies within the chapters to follow, Foucault's conception of power (shared by Laclau and Mouffe) as constitutive provides a useful context for exploring its operation in discourses surrounding asylum. Moreover, in relation to the disciplinary institutions and mechanisms of asylum explored in chapter five, I argue that it is the 'regime of practices' of asylum that produce and maintain its meaning in important ways. As Foucault explains in relation to *Discipline and Punish*:

the target of analysis wasn't "institutions", "theories" or "ideology", but *practices* - with the aim of grasping the conditions which make these acceptable at a given moment; the hypothesis being that these types of practice are not just governed by

institutions, prescribed by ideologies, guided by pragmatic circumstances - whatever role these elements may actually play - but possess up to a point their own specific regularities, logic, strategy, self-evidence and "reason". It is a question of analyzing a "regime of practices" - practices being understood here as places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect. (Foucault 1991a: 75)

Examining the practices through which a discourse is reproduced are therefore an important area through which to expose its power/knowledge dynamics: 'To analyze "regimes of practices" means to analyze programmes of conduct which have both prescriptive effects regarding what is to be done (effects of "jurisdiction"), and codifying effects regarding what is to be known (effects of "veridiction")'. (Foucault 1991a: 75) For example, the 'what is to be done' and 'what is to be known' of these regimes meet in the decision making practices of the asylum system. The policy guidance for decisions made by immigration officers at ports of entry both codify knowledge (for example, the country information supplied to immigration officers including the 'white list' of countries assumed to be essentially 'safe' and not likely sources producing 'genuine' asylum claims) and direct practice (for example, the degree to which particular asylum applications are taken seriously are influenced by this information, such that claims from 'white list' countries are either to be rejected or 'fast tracked' in anticipation of a rejection). Whilst the effects of jurisdiction of the regimes of practices governing asylum are clearly of fundamental consequence for asylum seekers at ports of entry: determining whether they are admitted, detained, tagged etc., they are based upon knowledge informed by sources which are by no means unambiguous, or non-contradictory. (Hardy 2003) Yet, these effects of jurisdiction potentially feed further codifications of knowledge about asylum seekers (for example, the practices of detention and electronic tagging are closely associated with the punishment of criminality) and further verdicts (tagged asylum seekers are likely to be seen as threatening, associated with criminality, or deserving of suspicion).

However, whilst Foucauldian analytics are especially useful in terms of the attention paid to the institutional forms through which power is exercised, the limitations of Foucault's theory are also important. Firstly, Foucault's work is not primarily concerned with the analysis of discourse as particular empirical texts (for example, news media texts, policy documents, or political speeches) – a limitation which I address in the through the



incorporation within my approach of the analytical methods and techniques of linguistic analysis of CDA. Secondly, in contrast to Foucault, Laclau and Mouffe's discourse theory provides a thorough explication of the internal functions and contradictions of the concept of discourse as, as Torfing notes, whilst Foucault's concept of discourse did not 'pass through an internal critique of the Saussurean notion of the sign', Laclau and Mouffe's work engages critically with the field of structural linguistics as well as Marxism. (Goodin and Petit 1994: 431) In the sections to follow within this chapter, I return to focus upon the work of Laclau and Mouffe in order to explain these elements of discourse theory and their significance to the analytical strategy adopted in this study. The main points of focus will be first, to explain the concept of discourse and then to outline the concepts of contingency, hegemony, and universality as they are defined in discourse theory, and finally to consider the importance to my study of Laclau and Mouffe's view of the political as inherently antagonistic.

### **Discourses of Asylum**

In using *discourse* as a central concept to inform my research, my study draws upon a Foucauldian definition, but also its development in Laclau and Mouffe's discourse theory and within cultural studies theories of representation. A discourse is a system or structure of meaning which surrounds a particular subject, and which invests that object with a particular constellation of values. It is concerned with the way in which language (or other non-linguistic systems of representation – for example, visual codes) takes on a characteristic expression for the operation of different paradigms. In this, discourse is understood not merely to reflect, but also to actively construct what we experience as social reality, defining and producing the 'objects of our knowledge', as Hall explains:

A group of statements which provide a language for talking about – a way of representing the knowledge about – a particular topic at a particular historical moment...Discourse is about the production of knowledge through language. But, since all social practices entail *meaning*, and meanings shape and influence what we do – our conduct – all practices have a discursive aspect. (Hall 1997: 44)

For Laclau and Mouffe, a discursive structure, 'is an articulatory practice which constitutes and organises social relations', the product or 'structured totality resulting from the

articulatory practice.’ (Laclau and Mouffe 1985: 105)<sup>48</sup> As discussed in the previous chapter, the concept of articulation has been key in broadening the perspectives through which an emancipatory politics could be imagined, but also in understanding the forms and modalities of oppression in relation to which it is imagined such a politics might be constituted.

According to Laclau and Mouffe, articulation is: ‘any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice.’ (Laclau and Mouffe 1985: 105) In other words, articulation involves the signification of a link between entities, but this linkage or relation means that the meaning of those entities are also altered or transformed to some degree. If new relationships between elements are constituted within a dominant discourse, it will be redefined. So, for example, when political discourses surrounding asylum began to strongly associate human rights with a threat to national security prior to, and especially following the terrorist attacks in London in July 2005, this new articulation potentially redefined the dominant discourses surrounding asylum, human rights and national security. As the analysis in chapter six will demonstrate, as human rights were rearticulated not as an unambiguously ‘good thing’, but as something potentially threatening to the nation, this bore important consequences for asylum and the conditions of possibility for its own rearticulation within a more progressive political discourse. This example also demonstrates that the inter-relationship between articulated moments within a discourse can be stable or less so, depending upon the context and degree to which they are ideologically closed or ‘sutured’. So, for example, the dominant policy discourse surrounding a controversial or highly contested area such as the role and extent to which British sovereignty should be integrated within the European Union can be more open or flexible in terms of its conceptual framework than that surrounding whether or not national borders should be policed or crime punished. As such, the discourse surrounding Britain’s European integration is more likely to be hegemonically rearticulated than those surrounding border control or criminal punishment, since the former has a

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48 Within a ‘structured totality’ or discourse, when entities or values are articulated as differential positions, they are referred to in Laclau and Mouffe’s terminology as ‘moments’. Whereas an ‘element’ is, ‘any difference that is not discursively articulated.’ Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London & New York, Verso. (p.105)

capacity to absorb a greater range of discursive elements as differences, and therefore to respond to social and cultural developments more readily. As I will explore in chapter four, in fact border policing has become one area in which the strengthening of European powers has been promoted in recent years, with policy instituted at the EU level determining joint responsibilities between and within member states for controlling the arrival and presence of asylum seekers and other 'undesirable' immigrants. These two discourses (concerning Europe and border policing) have been articulated moments in the construction of 'Fortress Europe', or what Balibar has termed the 'South-Mediterranean Fence':

a complex of differentiated institutions and installations, legislations, repressive and preventive policies, and international agreements, which together aim at making the liberty of circulation not impossible but extremely difficult or selective and unilateral for certain categories of individuals and certain groups on the basis of their ethnic (i.e., ultimately racial) characteristics and their nationality. (Balibar 2006: 2)

In this articulation, or the production of this discourse, both the meaning of border policing and Britain's role in Europe are redefined, with important consequences in turn, for the meaning of asylum in the UK.

Indeed, it can be observed that some discourses surrounding the topic of asylum and immigration in the contemporary conjuncture are more 'sedimented' and also more powerful than others. Whilst certain discourses may be dominant at any given moment (e.g. a discourse which positions asylum seekers as threatening to the law abiding national majority), as discursive constructions which are subject to rearticulation, there is always the possibility or potential that such discourses might be disturbed or dislocated, and rearticulated to include different elements in the future (e.g. a more progressive discourse through which asylum seekers are welcomed and the provision of sanctuary held to be of preeminent importance). Indeed, as Jørgensen and Phillips explain:

Different discourses - each of them representing particular ways of talking about and understanding the social world - are engaged in a constant struggle with one other to achieve hegemony, that is, to fix the meanings of language in their own way. (Jørgensen and Phillips 2002: 6-7)

There is a multiplicity of often conflicting and competing 'discourses' on any subject, structuring and restructuring all social relations.<sup>49</sup> For example, in relation to the asylum seeker presence in Britain, the National Coalition for Anti-Deportation Campaigns (NCADC) who campaign in the UK to help families and individuals facing deportation, address asylum seekers on their website with the words, 'If your Choice is no Choice! Speak out! Campaign to Stay!' (National Coalition of Anti-Deportation Campaigns 2010) This discourse on the asylum seeker presence in Britain clearly contrasts sharply with discourses surrounding asylum seekers as 'undesirable' migrants, such as that surrounding the anti-asylum centre protesters at Lee-on-the-Solent in 2003, the campaign slogan of which was: 'Keep Lee Asylum Free!' and which is explored further in chapter five. (Modell 2004) In clearly signifying the asylum presence in Britain in very different ways, these conflicting discourses target different social actors as their audience. Nevertheless both aspire to influence others, and in particular to influence policy and the decision-making apparatus of the state, as well as to harness 'public opinion' to their respective causes. In exploring in more depth the conflicting discourses surrounding the detention of asylum seekers in Britain and the politics of protest surrounding anti-asylum centre campaigns, chapter five considers how these competing discourses on asylum and their different politics of protest articulate social identities.

As discussed in relation to 'race' and racism in the previous chapter, it is through the articulation of a range of discursive elements that social identities and social relations are determined. However, the conditions of possibility for the formation or shift in any discourse clearly depend upon its context and the forces determining its structure. So, for example, the differential positioning of refused asylum seekers and those who are accepted as welcome or as belonging in Britain, and the institutional practices, policies and language through which the dominant asylum discourse is maintained may be determined by a range

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49 In *the History of Sexuality Volume One*, Foucault asserts that, 'we must not imagine a world of discourse divided between accepted discourse and excluded discourse, or between the dominant discourse and the dominated one; but as a multiplicity of discursive elements that can come into play in various strategies. It is this distribution that we must reconstruct, with the things said and those concealed, the enunciations required and those forbidden, that it compromises; with the variants and different effects – according to who is speaking, his position of power, the institutional context in which he happens to be situated - that it implies; and with the shifts and reutilizations of identical formulas for contrary objectives that it also includes.' Foucault, M. (1984). *History of Sexuality Volume 1: An Introduction*. New York, Vintage Books.

of forces or discourses (racist systems of classification, nationalism, patriarchy, homophobia for example) in any particular moment. Without a context, an element can have no steady meaning, but rather is considered to exist in the discursive field as a 'floating signifier' until rearticulated, as a moment, by a new discourse. According to Slack:

Articulation is, then, not just a thing (not just a connection) but a process of creating connections, much in the same way that hegemony is not domination but the process of creating and maintaining consensus or of coordinating interests. (Slack 1996: 113)

In principle, therefore, all discourses are continuously open to disarticulation and rearticulation, and there is a continuous structural renewal. Discourse structures and restructures the boundaries of paradigms and the relations of power within them. Whilst discourses restrict what can be meaningfully said or thought about a particular topic, they also determine 'how ideas are put into practice and used to regulate the conduct of others'. (Hall 1997: 44) This role in determining conduct and practices means that it is not only ideas, but also identities, social relations and institutional practices that are formed and regulated through discourse. Through this process identities are continuously made and remade, including collective identities such as national identity. For example, the discourses through which the figure of the 'refugee' is rendered meaningful as an object for policy discussion and public debate in Britain not only determines the range of ideas which seem appropriate to associate with refugees, but also how the settled population are conditioned to think of themselves and their society. As I have noted above, in discussions of asylum and refugee issues this is perhaps best illustrated by the almost mantra-like statement of politicians and media commentators that, Britain has a 'proud tradition' of welcoming those who need our protection, such as expressed in a speech by Tony Blair in April 2004: 'We have a long heritage of welcoming those who are genuinely in need of our protection and this must continue.' (Blair 2004). As Steve Cohen has noted, such statements often seem to accompany new proposals to further restrict the rights of, rather than extend protections to, asylum seekers. (Cohen 2003; Cohen 2006a; Cohen 2006b) The main purpose of Tony Blair's April 2004 speech to the Confederation of British Industry (CBI), for example, in spite of his statement about Britain's humanitarian 'heritage', is to explain and justify new proposals for further controls upon immigration, including measures deemed necessary to 'clamp down' on asylum seekers who 'abuse' the system. Moreover, the discursive

construction of practices associated with controlling asylum – in this case the proposal for the introduction of National Identity Cards - are discursively linked in his speech (or articulated) to other paradigms – ‘illegal immigration’, and securing the nation against the potential ‘extremism and intolerance’ of those seeking to reside in Britain. Analysing asylum as discourse allows for an examination of how new relationships are established between paradigms intertextually, and in ways that can underpin important shifts and/or reinforcements of existing ideas and practices.

Rather than regarding the statement of Britain’s ‘proud tradition’ on humanitarian protection as an anomaly within discourses which overwhelmingly favours the restriction of asylum, it can instead be seen to perform a necessary structural function. This applies not only to the ‘regimes of truth’ surrounding asylum and the areas with which it may be linked, (such as national security) but also to the *episteme*, or the ‘social imaginary’ – the mythical horizon in relation to which a sense of social order is maintained and ‘our’ identities constituted. This is an important point to my discussions in the following chapters, which explore how the presence of asylum seekers has been constructed through discourse as ‘threatening’ to the resident British population. In the representation of an, ‘asylum crisis’ in political and news media narratives, for example, it is not only ideas about asylum and asylum seekers that are important, but also how in the relation constructed between the figure of the ‘threatening asylum seeker’ the host community in Britain it is positioned and defined. As discussed in the previous chapter in relation to the concept of Orientalism, the process of ‘othering’ through a chain of binary oppositions constitutes an ‘us’ (the British people) versus them (asylum seekers). This is central to the construction of certain ‘truths’ as meaningful (for example, that asylum seekers are ‘flooding’ the UK in huge numbers, or that Britain’s public services are inappropriately burdened by the presence in the country of asylum seekers). (Said 1985) It is because of the discursive construction of such ‘truths’ that proposals to further tighten and restrict border controls appear far more convincing and reasonable than those to relax them.

Discourse is therefore far more than merely a synonym for ‘language’. Rather, it is concerned with the production of ‘truths’ and has a material reality, in its practices as well as effects. Moreover, in insisting upon the discursive construction of all social objectivity

and in denying the status of a 'ground' to any privileged element, Laclau and Mouffe conceive of the social as necessarily *contingent* – an argument which directs attention towards the operation of power within the social. By 'renouncing the conception of "society" as founding totality of its partial processes' they contend, we 'place ourselves firmly within the field of articulation'. (Laclau and Mouffe 1985: 96) The following sections explore further some of Laclau and Mouffe's key theoretical concepts informing this argument: contingency, hegemony and universality, and demonstrate how these inform the analytical strategy of my study.

### Contingency

The contingency of discourses is central to Laclau and Mouffe's anti-essentialist political philosophy, such that all identity, including those of social agents, social relations and ideas, (ideas which, for example, may function at any moment in time as 'common sense'), cannot be seen as timelessly fixed or determined in any necessary way. Instead, every discourse is always overdetermined<sup>50</sup> and constituted through a process of *articulation*. As Laclau and Mouffe note:

[I]f we accept the non-complete character of all discursive fixation and, at the same time, affirm the relational character of every identity, the ambiguous character of the signifier, its non-fixation to any signified, can only exist insofar as there is a proliferation of signifieds. It is not the poverty of signifieds but, on the contrary, polysemy that disarticulates a discursive structure. That is what establishes the overdetermined, symbolic dimension of every social identity. (Laclau and Mouffe 1985: 113)

In other words, there is always potentially a multitude of alternative meanings possible for any signifier, and a '*constant overflowing of every discourse by the infinitude of the field of*

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<sup>50</sup> Laclau and Mouffe note: "The incomplete character of every totality necessarily leads us to abandon, as a terrain of analysis, the premise of "society" as a sutured and self-defined totality. "Society" is not a valid object of discourse. There is no single underlying principle fixing - and hence constituting - the whole field of differences. The irresolvable interiority/exteriority tension is the condition of any social practice: necessity only exists as a partial limitation of the field of contingency. It is in this terrain where neither a total interiority nor a total exteriority is possible, that the social is constituted. For the same reason that the social cannot be reduced to the interiority of a fixed system of differences, pure exteriority is also impossible. In order to be totally external to each other, the entities would have to be totally internal with regard to themselves: that is, to have a fully constituted identity which is not subverted by any exterior. But this is precisely what we have just rejected. This field of identities which never manage to be fully fixed, is the field of overdetermination.' Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London & New York, Verso. (p.111)



*discursivity*.' (Laclau and Mouffe 1985: 113) Unlike structuralism, which assumes that signs are fixed and unchanging in their structural relations to one another (what Saussure termed *Langue* – a level he contrasted with *Parole*, or the more arbitrary combination of signs that people deploy in situated language use), Laclau and Mouffe's poststructuralism 'dissolves the sharp distinction between *langue* and *parole*.' (Jørgensen and Phillips 2002: 10) Whilst meaning is still understood to be produced through the differences between signs, those relations of difference are not as stable as Saussure had contended, but rather shift and change depending upon the context of their use. (Laclau 1995a) As such, whilst a set of very powerful and negative connotations may be attached to the term 'asylum seeker' at a particular moment in time (through discourses articulating asylum seekers with labels such as 'bogus', or the idea that their presence is 'threatening', for example), there are a multitude of alternative associations possible, which may carry entirely different connotations (for example, the presence of asylum seekers as a symbol of Britain's humanitarian goodness, or of the damaging effects of globalisation processes).

As argued in the previous chapter, all identities lack essence and are instead constructed in relation to their social, political or cultural context, as Laclau and Mouffe's argue:

Society and social agents lack any essence, and their regularities merely consist of the relative and precarious forms of fixation which accompany the establishment of a certain order. (Laclau and Mouffe 1985: 98)

Identities are continuously reproduced and situated - processes of identification, which, as Stuart Hall contends, are conditioned by or within their particular historical or cultural conjuncture:

Cultural Identities are the points of identification, the unstable points of identification or suture, which are made, within the discourses of history and culture. Not an essence but a *positioning*. Hence, there is always a politics of identity, a politics of position, which has no absolute guarantee in an unproblematic, transcendental "law of origin." (Hall 1990: 226)

Moreover, a person might hold multiple or even seemingly contradictory opinions dependent upon the social context, adopting apparently different behaviours or attitudes in different social interactions or when subject to different social forces. (Butler 1993) For example, a politician may advocate the promotion of human rights in general, but also support measures to restrict the right to asylum in the UK according to the policy line of



his/her party. Such contradictions between the positions subjects assume and the resources and positions which wider discourses make available to them can be interpreted as 'identity trouble'. They might be interpreted as producing a form of melancholia – as, for example, envisaged by Rey Chow, Paul Gilroy or Wendy Brown (in terms of a post-colonial or post-socialist condition) as discussed above. (Chow 1993) Nonetheless, each subject position can be seen as a discursive articulation determined contingently, and in relation to the social or political forces of the moment. As Laclau and Mouffe contend:

As every subject position is a discursive position, it partakes of the open character of every discourse; consequently, the various positions cannot be totally fixed in a closed system of differences. (Laclau and Mouffe 1985: 115)

From this perspective it would seem that there is a potential in theory for political change, for shifting the dominant set of stigmatising images and ideas surrounding asylum and the positioning of asylum seekers as a 'threatening other'. However, whilst no potential significations of asylum are necessarily, and by right the 'correct' ones, and whilst any discourse however apparently reified can be seen as structurally 'unfixed' or potentially 'unstable', it nonetheless remains the case that some discourses are more powerful, dominant or influential than others, generally articulated as the most acceptable or 'true'. Their 'forms of fixation' and the wider social or political context – the 'certain order' in relation to which the processes of identity formation take place (a social order which is itself contingent, the result of hegemonic power relations and not determined by any natural or objective forces) can be very powerful, or sedimented formations which function *as if* they were natural, the common sense or normative order of things. Understanding all identity from an anti-essentialist perspective, and accepting it to be contingent therefore does not mean that the social identity of asylum is easy to challenge, only that it is a necessary condition of its possibility that its challenge should be possible.<sup>51</sup>

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51 In the work of Laclau and Mouffe, contingency is demonstrated as a necessary condition of the formation of social identity. As Boucher notes, in this Laclau and Mouffe subvert 'the category of structure dominated by historical necessity' and invert "the hierarchy between historical necessity and political contingency" which had characterised classical Marxism and persisted in its structural variants.' Boucher, G. (2008). *The Charmed Circle of Ideology: A Critique of Laclau and Mouffe, Butler and Žižek*. Melbourne, re.press.

## Hegemony and Universality

Laclau and Mouffe's understanding of power and the dynamics of social change as 'hegemonic' is derived from Gramsci's concept of hegemony as a 'war of position' between oppositional forces in civil society. Hegemony theory has been an important concept within Cultural Studies both in accounting for the relative stability of certain social structures, and for the dissolution of those structures and social transitions, for example in studies analysing topics such as the collapse of the post-war consensus, the development of class subcultures, educational change, the politics of 'race' and gender, and studies around 'law and order' and changing attitudes towards social welfare. (Hall and Jefferson 1976; Hall, Critcher et al. 1978; Birmingham Feminist History Group 1979; Centre for Contemporary Cultural Studies (CCCS) Education Group 1981; Johnson 2007) As neo-Gramscians, the concept of hegemony is central to Laclau and Mouffe's conception of the political, and the operation of power through discourse. However, their theory of hegemony develops that of Gramsci through their thinking surrounding the contingency and discursive construction of all social identity. Indeed, Laclau asserts:

in order to see hegemony I have to see the contingency of social arrangements, and once I see the contingency of social arrangements, I can start conceiving of ways of developing social possibilities which could not exist if society were considered to be grounded in the will of God, in nature, or whatever there is. (Laclau 2002: np)

However, as Laclau notes: 'the impossibility of a universal ground does not eliminate its need'. (Laclau 1995: 158) We still function *as if* our experiences of the world were somehow rationally grounded with reference to some kind of certainty or stable universal truth, not potentially in flux and subject to rearticulation at any moment. Discourse theory accounts for this by conceiving universality itself as contingent, the universal being, 'both an impossible and necessary object.' (Laclau 2000b: 58) As Gasché notes:

Rather than an ahistorical a priori of the social, the universal is the effect of a pragmatic construction in the concrete fabric of social and political life [...] As a result, the universal, instead of bearing the stamp of necessity is contingent upon this pragmatic construction, and hence "is a contingent historical product". (Gasché 2004: 23)

Instead of a 'ground' guaranteeing social meaning (as in classical Marxism), Laclau and Mouffe refer to universality as a discursively constructed 'horizon' in relation to which meaning is partially and temporarily secured. This horizon functions as a myth for the

absent fullness of the social (following Derrida, any structure or system, including the structure of social order, is necessarily unstable and incomplete). What we take to be 'society' is actually an incomplete structure, endlessly made and remade, constituted through a process of discursive articulation, as Laclau and Mouffe assert:

We must, therefore, consider the openness of the social as the constitutive ground or "negative essence" of the existing, and the diverse "social orders" as precarious and ultimately failed attempts to domesticate the field of differences. [...] There is no sutured space peculiar to "society", since the social itself has no essence' (Laclau and Mouffe 1985: 96)

Indeed, for Laclau and Mouffe the social is a field of struggle within which all meaning, social identities and our sense of the social formation or social order within which social relations are organised, are conditioned and determined by the operation and interaction of two key social logics –the logic of equivalence and the logic of difference. In the following section, I will develop my explanation of these social logics as part of a consideration of Laclau and Mouffe's conceptualisation of the universal in the construction of hegemony.

### **Myth and Social Imaginary**

When a myth is particularly successful as a horizon for the social, or in Torfing's terms, 'continues to dominate over the particular content of the hegemonic attempts to fill the empty place of the universal', Laclau and Mouffe refer to it as a 'social imaginary' – a construction which 'provides the ultimate horizon of meaning and action'. (Torfing 1999: 203) The symbols, imagery or rhetoric of nationalism, for example, can be seen to construct myths that then 'stand in for' the absent fullness for the nation. As I will explore in further detail in the case study chapters to follow, a range of myths of nationhood pervade the dominant hegemonic discourse that has surrounded asylum in Britain under New Labour. As I shall argue, these myths are constructed in powerful ways through the common narratives about asylum and asylum seekers in the mainstream news media, but also at other discursive sites including, importantly, the speeches of politicians and policy and other official documents in this area. As Torfing argues, nationalist and racist discourses play significant roles in 'providing the myths and social imaginaries that organize and guide social and political action.' (Torfing 1999: 191) The discursive myths through which asylum and asylum seekers are articulated will be explored throughout this study as elements in a wider

discourse of national renewal, and the will to reconstruct a *social imaginary* in relation to which a more secure sense of British national identity can be promoted and the power and legitimacy of a vulnerable nation-state sustained.

For Laclau and Mouffe then, 'society', or any universalising ordering structure is conceived as a discursive construction which is always incomplete. As such, the universal is always the object of struggle upon which particular interests compete to exercise their will in order to attach a certain meaning or sense of coherence. As such, the particular and the universal are conceived as inextricably linked and the relation between them hegemonic. Indeed, all particular identities are seen as 'constitutively split' as Gasché summarises:

the universal is an inevitable, that is, necessary, dimension of the self-assertion of any social particularity. Its possibility and necessity are rooted in the constitutive split characteristic of particular identities which also opens the space for the operation of equivalence between particularities within the social system. In the same way as in the case of the logic of difference, structural and formal reasons compel a totality of particularities to enter into a relation with something that transcends them. But although the reference to a universality transcending particularities imposes itself with necessity, the structural and formal reasons for this necessity do not therefore legislate over the content of universality. Although the reference to the universal is inevitable, which particular content will symbolize the latter remains undetermined. The logic of equivalence clearly posits that such a content is the effect of a hegemonic construction at any historical moment. (Gasché 2004: 27)

For Laclau the universal is also conceived as an 'empty place' –an empty signifier which, 'can be partially filled in a variety of ways', and 'the strategy of this filling is what politics is about'. (Laclau 1995: 158) The empty signifier therefore plays a crucial role in Laclau and Mouffe's formulation of how structures or systems of meaning, or identities are delimited, and in their understanding of how (universalising) contexts within which particular political demands are made and decisions taken are formed. However, the logic of universality as an empty place can be understood to operate throughout the social, at the macro level of discourse suggested by the concept of the 'social imaginary', but also a more micro level of discourse. Indeed, whilst Laclau and Mouffe's concern with political strategy means that they tend to draw upon examples which focus upon the roles and strategies of political actors and/or demands of political movements, their discourse theory is also useful for an analysis concerned with the determination of institutional power, what Foucault would

term disciplinary or securitising micro-politics of power, including the operation of power through cultural forms. In Laclau and Mouffe's terms, any discourse is constituted as an attempt to dominate the field of discursivity, to arrest the flow of differences, to construct a centre.' (Laclau and Mouffe 1985: 112) The concept of the empty signifier is key to the construction of any discourse as an ostensibly stable, delimited and meaningful structure. When empty signifiers are filled by particular contents, they become *nodal points*, 'privileged signifiers that fix the meaning of a signifying chain'. (Laclau and Mouffe 1985: 112) As Laclau and Mouffe note,

*The practice of articulation [...] consists in the construction of nodal points which partially fix meaning; and the partial character of this fixation proceeds from the openness of the social, a result, in its turn, of the constant overflowing of every discourse by the infinitude of the field of discursivity.'* (Laclau and Mouffe 1985: 113)

The role of empty signifiers (or 'nodal points' as they are termed in this context) in limiting the signifying chain is essential for the production of meaning as this, 'establishes the positions that make predication possible - a discourse incapable of generating any fixity of meaning is the discourse of the psychotic.' (Laclau and Mouffe 1985: 112) However, as the place of the universal, empty signifiers are also a crucial category according to Laclau: 'the very condition of politics and political change'. Because empty signifiers, for example a term such as 'social equality', are not in any essential or timeless way fixed to any particular content, in order to forge such a link, 'a hegemonic struggle takes place to produce what will ultimately prove to be contingent or transient attachments', such that, the particular social or political aims of socialists, or of anti-racist or of feminists for example, could, potentially fill this role. (Laclau 2000c: 185) The manner in which empty signifiers secure meaning is not through their attachment to a positive content, but rather because they:

simply name the positive reverse of an experience of historical limitation: "justice", as against a feeling of widespread unfairness; "order", when people are confronted with generalized social disorganization; "solidarity" in a situation in which antisocial self-interest prevails, and so on. As these terms evoke the impossible fullness of an existing system - they are names of the unconditioned in an entirely conditioned universe - they can be, at different moments, identified with the social or political aims of various and divergent groups. (Laclau 2000c: 185)<sup>52</sup>

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<sup>52</sup> Elsewhere Laclau explains that:

'people need an order, and the actual content of it becomes a secondary consideration. "Order" as such has no content, because it only exists in the various forms in which it is actually realized, but in a situation of radical disorder "order" is present as that which is absent; it becomes an empty signifier, as the signifier of that

As the concrete content of the universal (or the empty signifier) at any particular point in time is therefore, 'the contingent result of hegemonic struggle', Laclau challenges the mutual exclusion of the universal and the particular as opposed categories. (Žižek 1999: 101)

Laclau contends that:

Against pure particularism, I argue that in the defence of even the most particular of groups, an appeal to the universal is unavoidable. If I speak about the rights of minorities to self-determination, what is that right but a universal principle? On the other hand, that universal is not something which has a predetermined content, but an empty signifier, variously filled by the chains of equivalence which coalesce around it. This mutual contamination between the universal and the particular is the real terrain of negotiation and elaboration of the political link. (Laclau, interviewed in Bowman 1999)

As argued in the previous chapter, the assumption that the universal and the particular are mutually exclusive can be seen to pervade debates concerning identity politics, with seemingly intractable positions which either, for example, oppose oppressive, 'universalist' political metanarratives, or challenge the culturally relativist privileging of particular group interests. (Joppke and Lukes 1999; Hesse 2000; Barry 2001; Back, Keith et al. 2002; Abbas 2007; Asari, Halikiopoulou et al. 2008) As I have discussed, such a polarised opposition is clearly evident in what Roger Hewitt and others have highlighted as a contemporary 'backlash' surrounding the issue of Multiculturalism in Britain. (Hewitt 2005; Modood 2007) Recent discursive shifts, particularly in relation to concerns about political Islamism in the UK and the cultural integration of immigrant and minority ethnic groups within UK society have been towards denouncing Multiculturalism as a credible organising concept for the social. As such, it has been discredited in its role as 'the dominant mode in which the state engages with the politics of race in contemporary Britain'. (Pitcher 2009: 163) Instead, the idea that Multiculturalism is socially divisive, resulting in the ghettoisation of cultural groups, and the privileging of particularistic cultural rights to the detriment of fundamental, and supposedly more universal social priorities such as that of 'social cohesion' have been

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absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonize something is exactly to carry out this filling function. (We have spoken about "order", but obviously "unity", "liberation", "revolution", etcetera belong to the same order of things. Any term which, in a certain political context becomes the signifier of the lack, plays the same role. Politics is possible because the constitutive impossibility of society can only represent itself through the production of empty signifiers.)' Laclau, E. (1996b). Why do Empty Signifiers Matter to Politics? Emancipation(s). E. Laclau. London & New York Verso. (p.44)

promoted. In the management of diversity within the social therefore, Multiculturalism has seemingly lost credibility as a mediating mechanism between supposedly universal and particularistic interests. In discourse theoretical terms, it could be argued, Multiculturalism's precarious position as an empty signifier has been hegemonically dislocated. Multiculturalism has lost credibility as the name of the empty place of the universal, filled through the investment of chains of equivalence linking the interests or aims of particular 'various and divergent' social identities. No longer identified with a broad range of social or political aims, Multiculturalism has become disarticulated – the equivalential chains through which it was secured in the place of the universal disturbed by a logic of difference reinstating complexity in the social terrain of political aims and interests surrounding the politics of 'race' or cultural diversity.

Laclau's logics of equivalence and difference provide a useful means to think beyond the impasse presented by a polarised conception of 'universal' or 'particular' interests, such as that informing popular debates concerning Multiculturalism. For Laclau, the universal is always contaminated by the particular and vice versa because, "The only possible universality is the one constructed through an equivalential chain". (Laclau 2000a: 304) Any political struggle signifies two things in a 'contradictory movement' - both its particular demand in relation to other particular demands, and its opposition to the system it, in common with other demands (in a chain of equivalence), seeks to challenge:

The function of representing the system as a totality depends, consequently, on the possibility of the equivalential function neatly prevailing over the differential one; but this possibility is simply the result of every single struggle always being already, originally, penetrated by this constitutive ambiguity. (Laclau 1996b: 41)

Rather than a 'nodal point', or empty signifier and the name of social order in the face of disorder then, Multiculturalism becomes one more particularistic signifier, or even rearticulated as a historical limitation in itself: a 'failed', or 'naive' liberal policy responsible for social fragmentation and cultural conflict representing a new disorder in opposition to which a new equivalential chain might be constructed.<sup>53</sup>

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<sup>53</sup> As the 'emptying of a particular signifier of its particular, differential signified is [...] what makes possible the emergence of "empty" signifiers as the signifiers of a lack, of an absent totality' the refilling of a particular

As Laclau explains:

On the one hand, the more the chain of equivalences is extended, the less each concrete struggle will be able to remain closed in a differential self - in something which separates it from all other differential identities through a difference which is exclusively its own. On the contrary, as the equivalent relation shows that these differential identities are simply indifferent bodies incarnating something equally present in all of them, the longer the chain of equivalences is, the less concrete this "something equally present" will be. At the limit it will be pure communitarian being independent of all concrete manifestation. And, on the other hand, that which is beyond the exclusion delimiting the communitarian space - the repressive power - will count less as the instrument of particular differential repressions and will express pure anti-community, pure evil and negation. The community created by this equivalential expansion will be, thus, the pure idea of a communitarian fullness which is absent - as a result of the presence of the repressive power.' (Laclau 1996b: 42)

However, as I have indicated, such an order or system organised in relation to a universal principle presupposes something beyond its limits - an exclusion. For Laclau and Mouffe, the limits of the system cannot be represented directly, but rather this happens through an element which would threaten the system. This necessary but threatening element is what Laclau and Mouffe, following Derrida, term 'the constitutive outside'. In the next section I will explore the significance of this insight for my study further in relation to the concepts through which Laclau and Mouffe define their view of the political as a terrain of conflict.

### **Conflict and the Political**

Laclau and Mouffe have strongly critiqued normative theories of democracy wherein the public sphere is envisaged as a field within which civil society strives to reach consensus based upon rational discourse conducted under ideal speech conditions. Mouffe especially has engaged with the work of Jürgen Habermas and his 'deliberative democracy' approach, which advocates that a healthy democracy should entail reasoned public discussion aimed towards consensual decision making. (Mouffe 1997; Mouffe 2005) Mouffe's theory of democracy, by contrast, 'agonistic pluralism', rejects the liberal universalism and assumptions about rationality inherent in Habermas' approach, promoting instead the need for democratic politics to find ways to represent difference and engage with adversaries

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signifier with a differential signified in this case means that the structural function of Multiculturalism as an empty signifier necessarily fails. Ibid. (p.42)



rather than antagonists. (Mouffe 2002a; Mouffe 2005; Mouffe 2005 [1993]) According to Kapoor:

the debate between the two theorists rests on how best to promote democratic participation and decision making without impeding sociocultural difference. To put it another way, the debate hinges on democratically representing difference without thereby sanctioning injustice and intolerance. (Kapoor 2002: 460)

Mouffe also strongly rejects the approaches of scholars such as Ulrich Beck and Anthony Giddens classified as 'post-political'. Her main objection to Beck and Giddens centres on their arguments that 'the political' needs to be 'reinvented' for a post-industrial age in which collective political identities are no longer a driving factor of social change. Instead, Mouffe argues, Beck's theory of 'reflexive modernity' and of the 'risk society' - the belief that the techno-scientific progress characteristic of modernity has given way to a world in which the 'side effects' or risks of that progress cannot be contained by human design or intervention – amount to an acceptance of the notion that there is no alternative to the current neo-liberal political order, and thus the emasculation of political intervention per se. (Mouffe 2005)

In contrast to these perspectives, Laclau and Mouffe argue that the social is a complex terrain of conflict interwoven with struggles to constitute, maintain and/or challenge hegemonic formations. The concept of antagonism is key to how discourse theory theorises social conflict, but also how the limits of the social and of any discursive formation can be defined. According to Laclau and Mouffe:

The limit of the social cannot be traced as a frontier separating two territories - for the perception of a frontier supposes the perception of something beyond it that would have to be objective and positive - that is, a new difference. The limit of the social must be given within the social itself as something subverting it, destroying its ambition to constitute a full presence. Society never manages fully to be society, because everything in it is penetrated by its limits, which prevent it from constituting itself as an objective reality. (Laclau and Mouffe 1985: 127)

All discourses are structurally possible only with reference to their limits, as Laclau notes:

We know, from Saussure, that language (and by extension, all signifying systems) is a system of differences, that linguistic identities - values - are purely relational and that, as a result, the totality of language is involved in each single act of signification. Now, in that case, it is clear that the totality is essentially required - if the differences did not constitute a system, no signification at all would be possible. The problem,

however, is that the very possibility of signification is the system, and the very possibility of the system is the possibility of its limits. (Laclau 1996b: 37)

As established earlier in the chapter, we can say that all structures are undecidable and contingent. They are partially fixed as structures with reference to a centre, which paradoxically, is at one and the same time inside and outside of the structure. The relationship of the centre to the limit here is important to understanding how the constitution of a system of signification or discourse is possible. For a system of signification to be signified *as* a system, according to Laclau, it is necessary to consider 'the precise theoretical possibility of something which points, from within the process of signification, to the discursive presence of its own limits.' (Laclau 1996b: 36)

We can say, with Hegel, that to think of the limits of something is the same as thinking of what is beyond those limits. But if what we are talking about are the limits of a *signifying system*, it is clear that those limits cannot be themselves signified, but have to *show* themselves as the *interruption or breakdown* of the process of signification. Thus, we are left with the paradoxical situation that what constitutes the condition of possibility of a signifying system - its limits - is also what constitutes its condition of impossibility - a blockage of the continuous expansion of the process of signification. (Laclau 1996b: 37)<sup>54</sup>

For Laclau, it is because the limit signifies exclusion that the 'systematicity' of the system is possible, and 'it is only that exclusion that grounds the system as such'. (Laclau 1996b: 38) Because 'the system cannot have a positive ground', it is only this exclusionary function through which the system itself can be signified. Exclusion is constitutive of the system, and therefore makes the construction of differential identities possible, but at the same time also subverts them – its conditions of possibility, but also of its impossibility. (Laclau 1996b) As Laclau notes, 'Contexts have to be internally subverted in order to become possible. The

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<sup>54</sup> Elsewhere, Laclau expresses the problem of the limit as follows: 'If we had a foundational perspective we could appeal to an ultimate ground which would be the source of all the differences; but if we are dealing with a true pluralism of difference, if the differences are constitutive, we cannot go, in the search for the systematic limits that define a context, beyond the differences themselves. Now, the only way of defining a context is, as we have said, through its limits, and the only way of defining those limits is to point out what is beyond them. But what is beyond the limits can only be other differences, and in that case - given the constitutive character of all differences - it is impossible to establish whether these new differences are internal or external to the context. The very possibility of a limit and, ergo, a context, is thus jeopardized [...] the only way out of this difficulty is to postulate a beyond which is not one more difference but something which poses a threat to (that is negates) all the differences within that context - or, better, that the context constitutes itself as such through the act of exclusion of something alien, of a radical otherness.' Laclau, E. (1996d). *Subject of Politics, Politics of the Subject. Emancipation(s)*. E. Laclau. London and New York, Verso. (p.52)

system (as in Jacques Lacan's object *petit a*) is that which the very logic of the context requires but which is, however, impossible. It is present, if you want, through its absence'. (Laclau 1996d: 53) According to Laclau, it is the role of the empty signifier - 'a signifier of the pure cancellation of all difference' - to signify the subversion of the process of signification (the limits of the system). (Laclau 1996b: 38) This role is possible because each unit of signification is split – each being, 'the undecidable locus in which both the logic of difference and the logic of equivalence operate.' (Laclau 1996b: 39)

As I will explore in my case study in chapter six, a key empty signifier in relation to which discourses of exclusion of asylum seekers are articulated is security. As all signifiers are constitutively split between their differential and equivalential functions, a range of differential objectives or political demands signify not only their particular demands but also a more universal equivalential demand to exclude that which would challenge the system as such. Security functions as the empty signifier through which this universal function is articulated, linking demands to institute ever tighter controls on asylum, through connotation with other political demands, such as crime and terrorism, as each particular demand also signifies a more universal opposition to insecurity. It is thus that a chain of equivalence between demands, which are not necessarily linked with asylum, can be jointly articulated with it as threats to security and/or to the social order.

### **The Selection of Case Studies**

In my selection of case studies I intend to explore some key dynamics of the construction, management and sedimentation of asylum as a 'threat' and as representing 'a crisis' in the UK under New Labour. In focusing upon the reporting and rhetoric surrounding certain high profile events and government policies, the case studies aim to demonstrate how a dominant 'asylum crisis' discourse has developed around elite political ideas on asylum, and to explore how some of the key consequences of this discourse in 'othering' asylum seekers and institutionalising asylum as a problem for the security of the nation.

In my first case study, which focuses upon the Sangatte controversy in the early years of New Labour's period in office, I intend to explore how and why asylum became the issue it did on the national political agenda and to demonstrate how the idea of a political 'crisis'

came to be articulated with asylum. It is within this context, I argue, that a set of disciplinary practices designed to control a supposed 'asylum crisis' could be constituted as legitimate, and articulated as 'common sense'. The second and third case studies intersect with the first, therefore, in exploring how the government and opposition politicians, as well as the national press, responded to this 'asylum crisis'. An 'asylum crisis' discourse, I argue, provided the conditions within which the tightening of border security could be positioned as a policy imperative, and for new and draconian domestic policies on asylum, such as the routine detention of asylum seekers (explored in Chapter five) to be represented as rational, legitimate and 'common sense'. How asylum has been 'controlled', in particular through asylum detention – a key example of a control mechanism rapidly developed under New Labour, designed to restrict the movement of, and segregate asylum seekers from the mainstream population – is therefore explored alongside its justificatory discourses.

The final case study analyses the 'asylum crisis-control' themes of Chapters four and five further in focusing upon a long running case during a key period of New Labour ascendancy (2000-2006) - the case of the 'Afghan hijackers'. The case study aims to show how the institutionalisation and sedimentation of an 'asylum threat' has operated as a dominant discourse, has become sedimented. Denying the right of asylum in this case is positioned and legitimated as a means of maintaining the integrity of the system and safeguarding national security. In the conflict dramatised by this case, it is also an illustrative of how asylum discourse has been shaping of as well as shaped by broader struggles and antagonisms. In particular, the case study explores how the extant international rights laws and obligations have been positioned as a challenge to national security and national sovereignty. It shows how security and human rights issues came to be important to discussions surrounding asylum, and how a wider, securitising imperative could be both justified by and a justification for a dominant 'asylum-crisis-control' discourse.

In this selection of case studies, I do not intend to imply that the articulations explored concerning Sangatte, detention, human rights or national security have necessarily been the *only* important dynamics at work in the construction of an 'asylum crisis' discourse. Neither do I mean that 'crisis' is the only idea that might be identified as important to asylum discourse during the period of New Labour governance. In the material selected for analysis

within the case studies, it is not my intention to suggest that national government policy, the rhetoric of national politicians or the representation of ideas about asylum in the national and particularly the right-wing print news media are the only meaningful texts through which asylum discourse has been articulated. Indeed, the study refers to secondary sources dealing with broadcast as well as other specific newspaper texts in order to further contextualise its argument.

However, I do think that these texts have functioned powerfully in the construction of a dominant asylum discourse under New Labour - one in which the notion of 'crisis' has played a key role, functioning as a nodal point and articulating a variety of threatening ideas with asylum and asylum seekers, and which has had material consequences both for the treatment and experiences of asylum seekers in the UK, and for the development of a new disciplinary practices surrounding asylum and new technologies of control.

Indeed, the case studies are oriented towards demonstrating how security has operated as a key element in justificatory discourses surrounding asylum control and the positioning of asylum seekers as 'threatening' to Britain. In this, they consciously focus on exploring how an arguably racist, hostile and antagonistic dominant discourse on asylum and asylum seekers has been articulated in sections of the national news media, government policy and the rhetoric of national politicians within a particular historical and cultural moment: a contemporary context including heightened political and social concerns about national security and broader anxieties, including the security of national identity and struggles about nation state sovereignty and power in neo-liberal modernity.

## *Chapter 4: Sangatte and the Asylum Crisis*

### **Introduction**

In November 2002, a Red Cross camp at Sangatte, northern France, which had sheltered asylum seekers since 1999 was closed. This followed a sustained period, which saw Sangatte become an object of intense political debate and media attention in the UK. At this time, and in part due to the discourses constructed around the existence and closure of the Sangatte camp, asylum (and the arrival and presence of asylum seekers in the UK) became extremely high profile as an issue within the national political agenda and the news media. This chapter aims to explore how the meaning and significance of asylum as 'an issue' came to be constituted as such at this cultural moment, and how the events leading up to and surrounding the closure of Sangatte served to articulate and 'symbolise' a growing 'crisis' surrounding asylum. (Somerville 2007)

The first part of my analysis focuses upon how and why Sangatte could serve to mediate and reinforce a link between asylum and the very idea of 'crisis'. This section explores the social, political and cultural conditions that precipitated the discursive construction of an 'asylum crisis' in the late 1990s and early 2000s. The Sangatte event, I argue, marks an important cultural moment in the sedimentation of asylum discourse as an object of crisis, a fundamental problem facing British society. In beginning with Sangatte, however, I do not mean to suggest that this serves somehow as the 'origin' of a new discourse surrounding asylum and refugee issues in Britain. Indeed, the very concept of an 'origin' is problematic from the viewpoint of a post-foundational theory of discourse. (Marchart 2007) Ostensible stable 'facts' are to be understood, rather, as inherently unstable and constructed 'truths', the contingency, and conditions of possibility of which are discursively concealed. As such, Sangatte is understood here a symbolic, but still just one important moment in the formation of an 'asylum crisis' discourse in the late 1990s and early 2000s. Sangatte, I argue, reinvests with negativity long histories of largely hostile political rhetoric, policy and news narratives surrounding immigration issues more generally.

The second part of the chapter will focus in more detail upon the conditions of possibility for understanding 'the asylum issue' as 'a crisis'. This discourse is, I argue, in part contingent

upon well-established binary oppositions associated with anti-immigration sentiment and elements of nationalistic populist political rhetoric in the UK. As a particular form of immigration, the 'othering' of asylum seekers bears traces of these earlier patterns of anti-immigrant discourse (tropes through which binary oppositions of cultural belonging/otherness and legitimacy/illegitimacy are conveyed, for example), but it also re-articulates these ideas to include new formulations and associations between negative discursive elements. The analysis here centres upon the figure of the asylum seeker in terms of his/her subject position 'before the law', questioning how legitimacy and belonging are determined within the state and the neoliberal order. As such, the chapter begins to situate the construction of 'the asylum issue' within wider discussions regarding the discursive role of identity and identification in relation to nation, citizenship and the state, humanitarianism and sovereignty.

### **The transnational legal and political context for Sangatte**

#### *'Fortress Europe' and Britain's Euro-scepticism*

As part of the process of European Union integration, a series of measures have been introduced since the 1980s designed to create a common European economic and political space. Intended to promote economic integration, these have included the harmonisation of immigration controls and relaxation of national borders in order to facilitate the free movement of EU citizens as well as goods and capital. (Sassen 1999)<sup>55</sup> The reduction of border restrictions initiated by the Schengen agreement of 1985, for example, increased freedom of movement between its signatory states.<sup>56</sup> However, this was accompanied by a renewed impetus to reinforce controls at the external borders of the EU. The latter, known

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<sup>55</sup> The Schengen and Dublin measures extended the 1957 Treaty of Rome on this issue. Hayter notes that the Treaty of Rome included a chapter entitled 'Freedom of Movement for Workers'. Freedom of movement for citizens of Europe included within the treaty would create advantageous conditions for capital, but also be ideologically significant in encouraging those citizens to embrace the ideals of European integration. Freedom of movement for people within the common market was also included in article 7a of the Single Europe Act (1986). Hayter, T. (2004). *Open Borders: The Case Against Immigration Controls*. 2nd Edition. London, Pluto Press.

<sup>56</sup> The original signatory states to the Schengen agreement: France, Germany, Belgium, Luxembourg and the Netherlands (14 June 1985) were joined by Italy (27 November 1990), Spain and Portugal (25 June 1991), Greece (6 November 1992), Austria (28 April 1995) and Denmark, Finland and Sweden (19 December 1996). The Schengen signatories also included non-EU states (Iceland, Norway and Lichtenstein, Switzerland) but excluded the UK and Ireland. The UK opted out of the Schengen agreement, although from 29 May 2000 was allowed to partially opt into measures other than the relaxation of border controls, including the Schengen Information System (SIS), and those aspects of the agreement dealing with police and judicial cooperation in criminal matters, and combating drugs. Ibid.

as 'compensatory' measures, designed to bolster the security of the territory of the EU as a whole, have included agreements between nation states to increase cooperation on policing and surveillance and to share information and resources with the aim to combat such things as organised crime and illegal immigration. Increased powers have been afforded to Europol (the common European police and intelligence organisation) in order to address these issues. The Schengen Information System (SIS) – a database through which information on such matters would be shared - has also been established. The UK has opted out of the Schengen area of relaxed border controls, but has embraced Europol and SIS somewhat more enthusiastically. (Hayter 2004)

Further to Schengen, and of central importance in the movement towards the unification of asylum policies of EU countries, the Dublin convention of 1997 and regulation of 2003 specifically addressed the rules governing which nation state will bear responsibility for asylum claims made within the EU.<sup>57</sup> The emphasis here has also been to ensure that decisions on asylum applications taken in one EU country are generalised to all, thereby ensuring that asylum seekers refused by one country are effectively refused by all. As Hayter notes, this seriously contravenes the UN Convention on Refugees, obfuscating the international legal requirement of signatory states 'to consider requests for asylum, rather than passing responsibility to another country.' (Hayter 2004: 60) The priority here, however, seems less to honour humanitarian obligations than to institute more efficient processes through which 'undesirable' migrants might be excluded from the EU. A common pool of state sovereignty is therefore invested in measures such as the Dublin rules in the interests of strengthening the collective security of EU states – a political and economic territory, which has been termed 'Fortress Europe'. (Hayter 2004; Ticktin 2005)

The Dublin convention/regulation is one instance where clear tensions have emerged between EU agreements and conventions governing asylum, and international refugee and

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<sup>57</sup> The Dublin Regulation 343/2003/EC (so called 'Dublin II') was adopted by the Council of Ministers on 18 February 2003 to update these rules following the Treaty of Amsterdam in 1999. Dublin II rules that the Member State that permits an asylum applicant to enter (and therefore to reside within the territories of the European Union bears the responsibility for examining the application. If an asylum applicant subsequently appears' irregularly in another Member State and attempts to claim asylum there, the first Member State must take them back. This essentially stops asylum seekers from lodging a claim in more than one state of the EU.



human rights laws. However, cooperation on border controls, as Ticktin notes, has also engendered new antagonisms between individual member states and between individual states and the EU on questions of sovereignty. At times, these struggles also have been interlaced and imprinted within political discourses surrounding asylum and refugee issues.

### **Anti-French Discourse in the Sangatte Asylum Debate**

Although a relative consensus prevailed between the two main political parties in the UK with regard to Schengen and the retention of national border controls, (Hayter 2004) there remain divisions over European policy which continue to split both Labour and the Conservative parties. As, perhaps, with all questions of European policy, Europhile and Euro-sceptic discourse can cut across and further complicate debates over asylum, immigration and border controls. Whilst the potential for such conflicts have received a renewed impetus since 2004 with the expansion of the EU and speculation (and realisation) that large numbers of migrants might be generated from the accession states<sup>58</sup>, from 1999 to 2002, the Sangatte issue served as an important channel through which tensions about responsibility for the exercise of European sovereignty through common policies were mediated. (Ticktin 2005)

Adjustments to national sovereignty at the European level have also taken place in a climate conditioned by concerns regarding globalisation and increases in global population movement, especially from the 'less developed south' to the 'advanced industrial north'. According to Jonathon Moses, 'new (global) economic conditions are diminishing the role of national borders and fundamentally altering the state's ability to pursue unilateral policies/actions' (Moses 2006: 3), and yet, 'like gated communities, the developed world keeps the developing world at bay.' (Sassen 1999: 150) How states such as Britain could or should attempt to deal with increased flows of international migrants is a question

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<sup>58</sup> The treaty of accession was signed on 16 April 2003 to include Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia as countries of the EU. Bulgaria and Romania deemed not sufficiently prepared acceded later (1 January 2007). In the UK, public debate on this issue has focused mainly upon migrants from Poland (from 2004) and Bulgaria and Romania (from 2007). EUROPA. (2008). "The Schengen area and cooperation." Retrieved 2 July 2009, from [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/l33020\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33020_en.htm).

overdetermining more localised anxieties about particular asylum or immigration issues or events such as Sangatte.

Whilst broader questions of national sovereignty in terms of geo-political and economic pressures have been brought into focus by asylum and immigration debate, policy measures and proposals designed to control asylum have also conflicted with the UK's international human rights obligations under international law as signatories of the United Nations Convention on Human Rights (UNCHR) and the European Convention on Human Rights (ECHR) on asylum and humanitarian protection.

### **Refugees, Asylum Seekers and the Kosovo Conflict**

The Kosovo conflict in 1999 presented a complex and at times contradictory discursive terrain in terms of asylum. In the early months following NATO's intervention in Kosovo, justified in humanitarian terms in order to prevent the continued oppression of the Kosovar Albanian majority under the rule of Slobodan Milosevic's Serbia, the news coverage positioned refugees and asylum seekers as blameless casualties of the conflict and therefore deserving of protection. According to Philip Hammond, Tony Blair's government aimed to cultivate a certain image of the conflict conducive to domestic support for the NATO bombing campaign: 'to create a supposedly "moral" consensus, politicians wanted the news to become a fairytale in which a defenceless victim was saved from the clutches of an evil villain by a knight in shining armour.' (Hammond 2000: 123) As such, 'the refugee crisis became Nato's strongest propaganda weapon, though logically it should have been viewed as a damning indictment of the bombing.'<sup>59</sup> (Hammond 2000: 126) For example, in 'THE GAMBLE AND ITS DEADLY STAKES', Sir Peter de la Billiere voices unequivocal support for the NATO bombing campaign, reinforcing his point by citing the plight of Kosovar refugees:

Albanian Kosovar refugees the very people we are pledged to protect continue to flood across the borders into Albania and Macedonia in their tens of thousands. All that these poor wretches are looking for is some form of respite from Serbian atrocities.

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<sup>59</sup> This was in spite of the earlier justification for war that the intervention would prevent a mass exodus of refugees from Kosovo. Hammond argues that the inconvenient evidence that it was more likely to be NATO bombing that ultimately precipitated the exodus of Kosovo Albanians was less likely to be reported, as was the fleeing of the Serbian population from Kosovo.

Unless something dramatic and so far utterly unforeseen happens within a matter of days, Kosovo, until a few days ago an ethnically Albanian province within Serbia, will have been substantially 'cleansed' of Albanians, and that will represent an overwhelming and almost certainly irreversible victory for Milosevic and his military and paramilitary thugs. (*Daily Mail*, 31st March 1999)

Indeed, the *Daily Mail* also participated in a charitable appeal to raise funds to help displaced Kosovans, publishing an article headlined, '600,000 THANKS; YOUR FIRST FLIGHT OF MERCY WILL TAKE OFF TOMORROW KOSOVO APPEAL', an account of their support for the *Disasters Appeal Committee's* work cooperating to help the refugees, (*Daily Mail*, 7th April 1999) and demonstrating their support for the cause with an auction of the clothes of concerned celebrities, 'GREAT CELEBRITY FASHION AUCTION; HOW YOU CAN OWN THE FAVOURITE OUTFITS OF SOME OF OUR MOST GLAMOROUS STARS AND RAISE MONEY FOR KOSOVAR REFUGEES' (*Daily Mail*, April 10th 1999). A year later, however, as the political agenda had shifted to encourage the refugees to return to Kosovo,<sup>60</sup> a rather different media discourse (and perhaps one more familiar to reader of the *Daily Mail*)<sup>61</sup> began to emerge – one that rearticulated the worthy Kosovar refugees as asylum seekers with dubious claims on sanctuary in Britain. For example, in, 'DON'T SEND US BACK TO KOSOVO ITS TOO COLD!' the *Mail on Sunday* adopts a judgemental and rather more sceptical approach in its discussion of one Kosovan family's asylum claim. Contrary to the rather unconvincing grounds for a claim on humanitarian protection suggested by the *Mail on Sunday* headline, the article itself reveals that the subjects of the story would be destitute in Kosovo, their home and livelihood destroyed during the conflict and an eight month old child to care for. Although living in modest conditions, they are represented as undeservedly comfortable in the UK:

Since the conflict ended 18 months ago most of the 91,000 Kosovans who were given a safe haven in Western Europe have been repatriated.

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60 By the summer of 2000, the arrangements for exceptional leave to remain in Britain for the Kosovar Albanian refugees came to an end. By this time, the UK government had declared Kosovo safe for returnees and had already been encouraging voluntary repatriation. This language became more forceful, with news media reporting: Grice, A. (2000). STRAW READY TO FORCE KOSOVARS BACK HOME. *The Independent*. London, Taylorhome, D. (2000). STRAW READY TO SEND ALBANIAN REFUGEES HOME. *Daily Express*. London.

61 The *Daily Mail's* discourse on asylum since Labour's 1997 election victory had been relentlessly vitriolic, associating asylum seekers with, for example, criminality, terrorism and benefit 'scrounging'. For example, BRUTAL CRIMES OF THE ASYLUM SEEKERS; EXCLUSIVE: GRIM PARADE IN OUR COURTS' presented the 'findings' of the *Daily Mail's* own 'inquiry', identifying crime as a 'previously-unexamined area of the asylum debate' and citing unsourced, 'the fears of detectives and immigration officers that asylum seekers are becoming increasingly involved in serious criminal activities.' (30th November 1998)

But Mr Braja and his family are determined to stay in their rent-free council flat in Holloway, North London, which has central heating, TV, video and phone. They also get about GBP 100 a fortnight in state handouts. (*Mail on Sunday*, 12th November 2000)

By 2002, however, The *Daily Mail* seemed to have resolved its discursive conflict between supporting refugees from the Kosovo conflict and growing hostility towards asylum seekers in general in the leader, 'A CAUSE UNWORTHY OF YOUR SUPPORT'. (*Daily Mail*, 17th May 2002)

Narratives concerning who 'deserves' asylum, often begin with a declaration of Britain's 'proud history' of welcoming those fleeing persecution – a statement intended to register the essential generosity of the nation and to provide a discursive framework within which any subsequent caveat should be understood.

The distinction between 'legitimate' and 'illegitimate' asylum seekers is often presented in this context, a binary opposition that has become a staple of the public discourse surrounding asylum and refugee issues. As explored above, the context within which this distinction is drawn tends to be at the point when a decision is to be made (for example, to be sympathetic or unsympathetic to the story of a migrant, to sanction or disapprove of their admittance to the country, or their method of arrival), and the distinction legitimate-illegitimate is expressed in many forms (bogus-genuine; legal-illegal; deserving-undeserving; asset/threat to the community). It underpins and serves to justify a discourse of conditional hospitality where hospitality is represented as an essential trait of the British character, although one that we need to protect from 'abuse'. The terms of this discourse, however, are premised upon an inherent contradiction or aporia in Derridean terms. It requires asylum seekers to occupy an impossible subject position: 'genuineness' in order to access the hospitality on offer. Yet, the conditions of achievement of this hospitality are both defined and undermined by the myriad of highly prohibitive restrictions on entry and other hurdles to claiming asylum, which are instituted by the system. (Cohen 2003; Hayter 2004; Webber 2006; Cohen 2006a; Cohen 2006b)

As an impossible ideal, the 'legitimate' or 'genuine' asylum seeker is nonetheless a necessary myth through which the dominant discourses surrounding asylum are sustained.

As myth, the 'genuine' or 'deserving' asylum seeker is a symbolic form which organises asylum discourse, and is important in serving, for example, as a normative principle against which accusations of 'bogusness' are rendered meaningful.

As the 'asylum crisis' began to gain pace in the early 2000s, the conflict in Kosovo was invoked as one important reference point for 'genuine' refugees in some reports. Due to the UK's part in the NATO military action in Kosovo in 1999, Kosovo could be conceived as a place that might credibly 'produce' people seeking asylum. Yet, although Kosovo served as an important point of reference in securing the meaning of 'genuine' asylum seekers or refugees in this way, as I have suggested, this was not without its complexities. As Kushner argues of the response to refugees the 1990s Balkans conflicts:

Offering asylum to the carefully selected few, especially those with photogenic potential as victims - such as children, the injured or women - alongside providing a supposedly "safe haven" was the dominant British response throughout the conflicts in the Former Yugoslavia. (Kushner 2003: 265)

The 'welcome' extended to Kosovar Albanian asylum seekers in 1998, celebrated by the *Daily Mail* especially, as evidence of Britain's continuing 'proud tradition' of welcoming those fleeing persecution was also very short lived – lasting, effectively, until the NATO campaign had been lauded as successfully removing Serbian oppression. As Kushner argues:

The ideal genuine refugee of the past should be part of a self-contained narrative in which members of a deserving minority persecuted by an evil regime/individual-the villains of the piece varying from Louis XIV, Tsarist Russia, Hitler, the Soviet Union and Idi Amin - find refuge in another country to which they contribute generously, productively and with intense gratitude. (Kushner 2003: 266)

Those migrants thought to be masquerading as 'genuine' Kosovan asylum seekers were highlighted in the print news media as examples of how hospitality in contemporary Britain could be so easily exploited, and of a wider 'crisis' facing an asylum system under huge pressure due to illegitimate would-be applicants, increasingly branded 'bogus asylum seekers' in the British press.

The 'bogus asylum seeker' label became a powerful signifier during the height of the asylum coverage, often attributed to those who were considered 'in reality' to be economic migrants. Indeed, commentators and academics often uncritically accept the assumption

that the 'bogus asylum seeker' label is basically derived from suspicions about economic motivations for migration. (see, for example: Steiner 2000: 3; Sales 2002; Neumayer 2005) However, I would like to suggest that whilst the supposed economic motivations of migrants clearly have been articulated within discourses about 'bogus asylum seekers', other important factors – political, social and cultural, should also be considered as important in how the discourse of 'bogusness' was constructed. As the authors of *Policing the Crisis* argued in respect of the term, 'mugging', the 'immediacy and transparency' of powerful labels for new social phenomenon become far less clear as soon it is asked, 'where did the term come from, and how did it enter into its common-sense usage, and what meanings and associations does it mobilise.' (Hall, Critcher et al. 1978: 181)

Since legal routes of immigration for most have been effectively shut down, as Phillips notes, refugees can be seen as the 'new target' in debates surrounding themes such as, belonging and nationality, ethnicity and xenophobia. (Phillips 1997: 3) As discussed above, one can observe strong parallels between Hall et al.'s 'mugging crisis' and the 'asylum crisis' of the late 1990s and early 2000s, in part because 'the asylum issue' is thematically linked to a legacy of hostility towards earlier waves of immigration from the New Commonwealth, and the concerns attached to this surrounding law and order and social stability. Sociologist Leanne Weber has also noted the parallel, arguing that as the emotive label of 'mugging' reinforced the idea that a 'new danger' should be associated with a newly arrived part of the population during the 1970s, the expression, 'bogus asylum seekers' operates as an evocative signifier of threat in the contemporary context. (Weber 2002)

Within the print news media at least, the term 'bogus' seems to have been first used in relation to asylum seekers in a story concerning a group of Tamil asylum seekers and their battle against deportation, when in February 1987 *The Times* newspaper reported the then Minister of State at the Home Office, David Waddington's claims that, 'the Tamils were the victims of a racket and had made bogus claims for asylum.' (*The Times*, 19th February 1987)

Following this, as Cohen notes:

For two decades, the media and political elites of all parties have focused attention on the notion of "genuineness". This *culture of disbelief* penetrates the whole system. So "bogus" refugees and asylum seekers have not really been driven from

their home countries because of persecution, but are merely “economic” migrants, attracted to the “Honey Pot” of “Soft Touch Britain”. (Cohen 2004 [1972]: xix)

As the term became a regular feature of the British news media discourse on asylum, as Goodman argues, it became possible to assume that, ‘all asylum seekers are potentially bogus’ – a potentiality which itself seemed to justify ‘the harsh treatment of all asylum seekers’ (Goodman 2008: 111) Cohen also notes that, In tabloid rhetoric especially, ‘the untypical is made typical; the insulting labels are applied to all.’ (Cohen 2004 [1972]: xix)

The ‘bogus asylum seeker’ label implies that other categories of ‘undesirable’, or ‘threatening’ migrant might be masquerading as an asylum seeker. As other scholars have noted, the distinction between asylum seekers, refugees and other categories of migrant has been very much blurred in media and political discourse (Buchanan, Grillo et al. 2003; ICAR 2004), and in reports assessing public understandings of these categories (Crawley 2009), such that the humanitarian connotations of ‘seeking asylum’ have very likely been somewhat marginalised or disarticulated in recent years. Kaye argues that the term ‘asylum’ itself has come to signify a status which is always already of questionable legitimacy:

In terms of the use of language and themes, one of the most recent developments has been the very demotion of the term "asylum-seeker" itself. It has become apparent that the term is increasingly being used almost as a term of abuse in the media, and that those who are seeking asylum are seen as in effect asking for something to which they are not entitled, whereas the term "refugee" is still seen as having a legitimate status, and those fleeing from conflict should be offered refuge. (Kaye 2001b: 68)

‘Bogus asylum seekers’ then, have clearly been positioned as a dangerous ‘other’ in relation to Britain’s ‘law abiding majority’. Yet, within the ‘illegitimate-legitimate’ paradigm, the ‘bogus-genuine’ dichotomy invites a moralistic rather than legalistic response. This, I would argue, is in part due to the manner in which the articulation ‘bogus asylum seeker’ threatens the socio-economic and cultural identity of the ‘hard working’ British citizen who ‘plays by the rules’.

## Asylum, Populism and the 2001 UK General Election

As Richardson and Franklin note:

In the run up to the 2001 general election, “race” and issues of “racial difference” were more visible than they had been since the 1970s. Among other stories, several politicians made prominent speeches on “race” and “foreign-ness” in the weeks before the election (John Townend’s claims that the British were becoming a “mongrel race”; William Hague’s “foreign land” speech; Robin Cook’s “Chicken Tikka Masala Britain”), and there were widespread reported claims of an “asylum crisis” affecting/afflicting Britain. (Richardson and Franklin 2003: 187)

In the UK 2001 general election, asylum featured as a high profile issue. William Hague’s Conservative Party campaign and manifesto, *Time for Common Sense*, included asylum as a key issue, emphasising that Britain had, ‘gained a reputation as a soft touch for bogus asylum seekers.’ (*Mail on Sunday*, 12th November 2000) Whilst the Labour Party’s 2001 manifesto did not mention immigration, asylum or refugee issues, their first term of office had seen these increasingly become a priority. The controversial dispersal scheme, introduced under the Immigration and Asylum Act 1999 to relocate asylum seekers in regional locations away from the South East of England had attracted serious criticisms from refugee and human rights organizations, as well as the UN committee on the elimination of racial discrimination in its May 2001 report.<sup>62</sup> The government’s growing anxiety to show their ‘toughness’ on asylum seekers was demonstrated through the new immigration and asylum legislation and policy announcements to ‘crack down’ on various aspects of the asylum process – for example, on ‘unscrupulous immigration advisors’ and withdrawing benefits from asylum seekers. (HMSO 1998) It also included the sending home of Kosovar Albanians, and tightening restrictions on the arrival of new asylum claimants, the urgency of which was visibly justified in reference to the issue of Sangatte. Indeed, the government’s position did not seem intended to challenge the vitriolic anti-asylum seeker coverage in some areas of the UK national press, but rather to be embracing the terms of the debate set

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<sup>62</sup> The United Nations International Convention on the Elimination of All forms of Racial Discrimination requires signatory states to report every three years. In 2001, the response to the UK’s submission noted the UK government’s asylum dispersal system with concern as follows: ‘The Committee expresses concern that the dispersal system may hamper the access of asylum-seekers to expert legal and other necessary services, i.e. health and education. It recommends that the State party implement a strategy ensuring that asylum-seekers have access to essential services and that their basic rights are protected.’ UNCERD (2001). Concluding observations of the Committee on the Elimination of Racial Discrimination: United Kingdom of Great Britain and Northern Ireland, Office of the High Commissioner for Human Rights.



in that news agenda. In the months running up to the June 7<sup>th</sup> election, reports appeared about the Home Secretary's 'crack down' on asylum seekers who 'disappeared' once in the UK. ('STRAW PLEDGES ASYLUM CRACKDOWN', *BBC News Online*, 21st November 2000)

And yet, there also seemed something of a contradiction in New Labour government policy. At the same time that this 'tough line' was being taken on asylum, including measures which were criticised for apparently compromising human rights, other measures, notably the incorporation of the European Convention on Human Rights into UK law through the Human Rights Act 1998 (legally formalizing the UK's international human rights obligations), seemed to promote them. According to Jack Straw (then Home Secretary), speaking on BBC Radio 4's *Today Programme* on 2<sup>nd</sup> October 2000, the Human Rights Act was 'about bringing British rights home'. (Straw 2000) The need to domesticate the Human Rights Act and articulate it as essentially British reflects the concerns permeating debates at the time regarding sovereignty and control over UK law. If certain practices enshrined in other areas of UK law were to conflict with the Human Rights Act, which would prevail, commentators asked? (*Observer*, 21st February 1999) Didn't this threaten an undemocratic transfer of power over UK policymaking, emasculating Parliament before the law Courts? These tensions were perhaps most dramatically played out in the case of the so called, 'Afghan hijackers', who claimed asylum in Britain after fleeing the Taliban in 2000. During the ensuing and prolonged legal battle between the Home Office and lawyers representing the men, their method of arrival seemed, in the common sense parlance of government officials and some sections of the press, to have undermined their claims upon the human rights obligations of the State, especially following the September 11<sup>th</sup> 2001 attacks in New York. This case, explored in detail in chapter Six, formed the basis for intermittent bursts of outrage about asylum and the asylum system in the national press.

Meanwhile, as the tone of the Conservative election manifesto would suggest, William Hague, then leader of the party was also attracting much publicity with his own policies and speeches on asylum. His speech in April 2000 to the Social Market Foundation, 'Common Sense on Asylum Seekers' for example, and also his speech to the Spring Conservative Party conference in March, seemed to explicitly politicise asylum as 'a crisis issue' facing Britain. Dubbed the 'foreign lands' speech, at the Spring party conference Hague evoked images of a

green and pleasant land under threat – a countryside blighted by foot and mouth disease, with British farmers' livelihoods, 'at risk'. Hague lamented that, 'The pall of black smoke from the funeral pyres of slaughtered animals across our nation today tells the desperate story of a countryside in crisis.' (Hague 2000a)

The national populist rhetoric deployed in this speech, seeks to align Conservative ideas with those of the British people:

above all we're ready to speak for the people of Britain: for the mainstream majority who have no voice, for the hard-working people who feel they are ignored, for the men and women who despair that their country is being taken from them. We are not going to let them down. (Hague 2000a)

In this, Hague positions himself as an everyday man speaking on behalf of ordinary members of the public. He positions himself as giving a voice back to the people – a voice supposedly silenced by the oppressive liberal 'other':

Talk about Europe and they call you extreme. Talk about tax and they call you greedy. Talk about crime and they call you reactionary. Talk about asylum and they call you racist. Talk about your nation and they call you Little Englanders. (Hague 2000a)

In personifying his political opposition as 'they', Hague's rhetorical strategy is to establish a shared identity between Conservative Party ideas and those of 'the people'.

As part of the populist political strategy Hague tries to articulate, the need to 'be tougher' on asylum is carefully woven through his argument. Whilst he clearly emphasises asylum as a problem ('We will clear up Labour's asylum mess'; 'we will sort out the asylum crisis'; 'a safe haven not a soft touch') Hague also links asylum with several other high profile issues within the Conservative agenda: Europe, tax, crime and 'your nation'. In implying that all of these concerns have been deliberately silenced, he invites a broader base of indignation than if he were to argue for example, that asylum, or Europe, or crime alone had been marginalised from the political agenda. One may not care deeply about asylum, or Europe but nonetheless be moved by his statement because of the notion that it is unacceptable to ignore concerns about crime. This rhetorical strategy would therefore seem, potentially, more effective for interpellating a broader spectrum of voters. The seriousness with which asylum is to be taken as an issue, however, is signified by the particular form of its inclusion

with this group, which includes highly politicised (Europe) and 'traditional' (tax, law and order, nation) ground for the Conservatives.

In his statement, however, Hague does not have to explicitly set out a political position (indeed, they appear to be invoked 'neutrally', without value judgement or comment) in relation to any of these issues for a clear political message to be conveyed. This is because the political meaning of Europe, crime, tax, nation and asylum here are not so much derived from any particular content but through their negation as such, and their structural positioning within a relation of equivalence which is premised upon this.

This equivalence is not a unity which is underpinned by any shared essential meaning or objective organising principle: it is not, in Laclau's words, 'the expression of any underlying principle external to itself', but rather 'a configuration, which in certain contexts of exteriority can be *signified* as a totality'. (Laclau and Mouffe 1985: 105-6) What enables Hague's presentation of these issues as a configuration to appear as meaningful is their common 'enemy' – the 'they' that would silence their discussion and threaten their existence as political issues.

It is through this that Hague attempts to articulate his own political identity within the campaign, not just as a democratic voice of 'the opposition', but also as a voice of 'the people' – and the means through which the people would be able to reclaim 'a voice'. The imagined 'They' secures this identity by functioning as a 'constitutive outside' – a threatening figurative 'other', but nonetheless necessary to the existence of the political identity Hague posits.

Hague's reflexive modality, presents and refuting those images he sees as unfairly articulated with his political project: extremism, greed, reactionary, racist or 'little Englander' attitudes, also distances the Conservatives (and 'the people' he claims to speak for) from the notion of prejudice. Following van Dijk, this can be seen as series of 'disclaimers', and in particular statements negating the association of Conservative ideas with racism ('that is not bigotry'; 'We trust the people, they are not bigoted or ungenerous'; 'They are not narrow nationalists'; 'They are not xenophobes'). (van Dijk 1992; van Dijk 2000b) According to van Dijk, the refutation of racism is a common strategy, or 'stock in

trade', of the racist discourse of elites and, 'often a clear symptom of underlying prejudices or antagonistic attitudes, if not a sure sign of subtle or not so subtle racism.' (van Dijk 1993a: 77)

The 'knowing' assertions in Hague's speech regarding what 'they' will say, are also intertextual - as if a memory traced from prior experience, or learned from historical precedent underlies or informs his rhetorical strategy. Anna Marie Smith's discussion of the speeches of Enoch Powell in the late 1960s, are pertinent here. Smith notes how Powell's rhetoric includes a reflection upon his speech's projected 'effects':

I can already hear the chorus of execration. How dare I say such a thing? How dare I stir up trouble and inflame feelings by repeating such a conversation? The answer is that I do not have the right not to do so...What he is saying, thousands and hundreds of thousands are saying and thinking. (Powell, cited in Smith 1994: 153)

'They' here, the 'chorus of execration' are imagined by Powell as an illegitimate disciplinary force: he 'dares' to challenge this force because it is exercised upon the free thoughts and speech of thousands of people. According to Smith:

Powell situates himself as the courageous truth-teller who, in the name of "the people", will openly express that which has been hegemonically suppressed as the unspeakable [...] Through this structure, Powell takes on the role of the organic intellectual: he promises to resist the censorship of the truth by the mainstream political leaders to liberate the repressed confessions of "the people". (Smith 1994: 153)

The predication of his argument upon the notion that he will be censured functions meta-discursively as a device through which Powell pre-empts his critics in order to legitimate his position: he defends himself through the voice of the people ('what he is saying, thousands and hundreds of thousands are saying and thinking'), and to insulate it from future criticism. In his parodying of potential critics, they are represented as unspecified and generalised subjects. Yet it is presupposed that they share the fears about immigration 'troubles' which Powell articulates. 'Above all', Powell asserts:

people are disposed to mistake predicting troubles for causing troubles and even for desiring troubles: "If only," they love to think, "if only people wouldn't talk about it, it probably wouldn't happen." (Powell 1968)

In 2000, Hague's 'foreign lands' speech, as well as his earlier, 'Common Sense on Asylum Seekers' delivered on April 18<sup>th</sup> 2000 to the Social Market Foundation, in some ways echo

the rhetorical strategies of Powell's on immigration. Because of the overall preoccupations of the speech with nationhood, Hague's reference to the 'black smoke of the funeral pyres' of the foot and mouth ridden and slaughtered British livestock, although perhaps merely coincidental, seems evocative of Powell's alarmist anti-immigrant imagery - 'watching a nation busily engaged in heaping up its own funeral pyre.' Moreover, Hague adopts the position (although *as* the Conservatives rather than political maverick as was the case with Powell in 1968) of spokesperson for the 'common sense' and common experiences of ordinary people. He appeals to their sense of indignation that their voice or 'talk' has been stifled, cowed by unfair accusations of racism or potentially causing a bigotry problem. Both Hague and Powell represent their speeches as self conscious interventions designed to 're-politicise' the issues of which they speak: immigration (or asylum), nation and national identity. And, in both cases, the supposed injunction to act is represented as a responsibility to the people and as a service to the nation.

Perhaps it was a miscalculation on Hague's part to assume that 'the people' might identify themselves in 2000 as marginalised voices, or a silent majority misunderstood as greedy, reactionary racists. Clear support for Hague's approach was evident, however, in some sections of the national press. For example, on 28<sup>th</sup> May 2000 the *News of the World* published an opinion piece written by Hague himself in which he represents his 'tough line' on asylum, linking 'bogus asylum seekers' with 'benefits cheats', emphasising the 'crisis' and implying that the Labour government had rendered the UK a 'soft touch':

If we made the welfare system a bit tougher then we might stop the tens of thousands of bogus asylum seekers who come here because they know we're a soft touch. The next Conservative government will reform welfare, crack down on benefit cheats and deal with the asylum crisis. (Hague 2000)

The Conservative 'tough line' was also supported for example, in 'HAGUE DEFIES STORM TO STATE HIS CASE ON ASYLUM; TORY LEADER TACKLES THE PROBLEM OVER OUR BORDERS', in which the *Daily Mail* approvingly reports Hague's announcement of 'plans to crack down on bogus asylum seekers', and his attack on Labour's record for making Britain a 'soft touch for fraudulent asylum seekers'. In reference to the Sangatte issue, the article also notes

approvingly that: 'his move signals certain confrontation with France, from where hundreds of economic migrants try each night to get across to the UK.'<sup>63</sup> (*Daily Mail*, 19th May 2001)

However, it would seem, when judged by the electoral misfortunes of the Conservatives in 2001 and Hague's subsequent deposition as Party leader at least, that Hague's approach met with little success more generally as a political strategy. Perhaps the Powellist resonance of Hague's rhetoric was, in this conjuncture, not generally received as very palatable. Perhaps, Hague's own ridiculed persona in a climate increasingly focused upon the image of party leaders and the supposed 'presidentialization' of politics was sufficiently damaging to the Conservatives' political message.<sup>64</sup> However, it may also have been the case that there was an absence of the conditions of possibility necessary to make such a populist articulation successful for the Conservatives. As Laclau notes:

There is nothing automatic about the emergence of a "people". On the contrary, it is the result of a complex construction process which can, among other possibilities, fail to achieve its aim. The reasons for this are clear: political identities are the result of the articulation (that is tension) of the opposed logics of equivalence and difference, and the mere fact that the balance between these logics is broken by one of the two poles prevailing beyond a certain point over the other, is enough to cause the "people" as a political actor to disintegrate. If institutional differentiation is too dominant, the equivalential homogenization that popular identities require as the precondition of their constitution becomes impossible. If social heterogeneity [...] prevails there is no possibility of establishing an equivalential chain in the first place. But it is also important to realize that *total* equivalence would also make the emergence of the "people" as a collective actor impossible. An equivalence which was total would cease to be equivalence and collapse into mere identity: there would no longer be a chain but a homogenous, undifferentiated mass. (Laclau 2005: 200)

Whilst the political terrain in the UK was clearly not inhospitable to anti-asylum seeker sentiment of the kind promoted by Hague in the run up to the 2001 general election, it could not serve as a basis upon which a single political party might establish an equivalential

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63 Support for his earlier speech in 2000 was also evident in sections of the right wing press, both tabloid and broadsheet. For example, *The Times* article 'SYMPTOMS AND CAUSES' argues that, 'There was little in the tone of William Hague's speech on asylum policy last night that his political opponents could in honesty attack as racist or xenophobic. Not that this stopped them.' (2000). SYMPTOMS AND CAUSES. *The Times*. London. (19th April)

64 According to Anthony King, in 2001, Hague tended to be 'dismissed as a political lightweight – in British parlance as "a bit of a wally", and 'media comment and saloon bar conversation alike concentrated on Hague's premature baldness and efforts to portray himself as even younger than he was.' King, A. S., Ed. (2002). *Leaders' personalities and the outcomes of democratic elections*. Oxford, Oxford University Press. (pp.1-2)

chain sufficient to transform the 'myths' constructed around asylum and nationality into a populist 'social imaginary'. Indeed, unlike Powell's demands in 1968, Hague's 'tough on asylum' rhetoric did not really speak to any 'widening "chasm" separating the institutional system from the people.' (Laclau 2005: 74) This is because, far from representing a political demand ignored or marginalised by New Labour, a general consensus on the need to 'be tougher' on asylum existed between the two mainstream political parties. Anti-asylum seeker sentiment was both well represented and institutionally differentiated by its articulation within the policies and pronouncements of the two main mainstream political parties, as well as that of the BNP. Whilst the asylum policies of the government and opposition were articulated *as if* diametrically opposed, in fact, both in substance and presentation, the New Labour and Conservative parties advocated very similar programmes. As Imogen Tyler notes:

In contemporary Britain, there is no mainstream political debate about asylum, only the appearance of debate. The political language in which debates about asylum take place is not innocuous (or post-political) but functions to limit what it is possible to ask. For example, there is no open debate about whether or not "we" should open "our" borders - such questions would be illegible within the terms of the current political hegemony. (Tyler 2006: 191)

Indeed, Hague's 'common sense' on asylum seekers operated well within the bounds of this political hegemony or dominant discourse. The political terrain of British politics had an anti-asylum identity, the relative potential populism of the issue for each party was therefore diffused through its articulation amongst otherwise competing political interests. Torfing, citing Lefort, notes that in examining populism in a democratic polity, we need to take into account its mediation by the institutions and procedures through which power is already dispersed and rendered provisional and limited. (Torfing 1999: 191)

In part, asylum policies of both Labour and the Conservatives in the run up to the 2001 general election were articulated as part of a democratic and 'ethical' strategy to marginalise the power of 'extremists'. As such, the political and media discourses surrounding asylum and Sangatte in particular at this cultural moment were arguably also conditioned by the gains of anti-immigrant parties of the far right. (Thomson 2003; Goodman 2008) Across Europe, relative electoral successes had accrued to far-right political parties at local, European or even national level, including Jörg Haider's Freedom

Party (FPO) in Austria, the Vlaams Blok in Belgium, the Danish People's Party (DPP), the late Pim Fortuyn's List in the Netherlands and the Northern League and Northern Alliance in Italy (which entered a coalition government with Silvio Berlusconi in 2001)<sup>65</sup> in the late 1990s and early 2000s. Far-right political parties across Europe appeared to be 'on the rise' with French and British politics also, seemingly, attuned to this apparent trend. Whilst the Front National's (FN) Jean-Marie Le Pen displaced the Socialist Party candidate, Lionel Jospin, to reach the run off stages of the Presidential Election in May 2002, the British National Party (BNP) also appeared to be making gains in certain areas of the UK, albeit only at a local level.<sup>66</sup> The political climate that this engendered provided an important context for mainstream political discourse surrounding asylum in the UK. Leading national politicians seemed to consider immigration and asylum as issues upon which the nationalist populism of the far right, as they saw it, would be able to profit, unless they demonstrated that they too could be 'tough' on these issues.

Even though the far-right was not a particularly strong force to be reckoned with at the national level in the UK, the tension between the task of 'reclaiming' the asylum debate from the far-right (in effect justifying policies which shifted the debate to the right in order to squeeze the political ground which might be occupied by the far-right on these issues) meant representing increasingly tougher measures as the responsibility of a good liberal. In order for this strategy to retain its logic and a meaningful significance, two conditions were required: the symbolic threat of the far right and the seriousness of the asylum problem. Both threats were mutually supportive: the greater the asylum problem perceived, the more clear and present the threat could be perceived from the 'far right'. As such, the

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65 <http://www.guardian.co.uk/gall/0,,711990,00.html>

66 In the European Parliament elections of July 2009, the BNP won their first two seats with leader, Nick Griffin representing the North West region, and another candidate, Andrew Brons, elected for Yorkshire and Humber. The BNP also won their first seats on County Councils at the June 2009 elections (Lancashire, Hertfordshire and Leicestershire). Prior to this, however, the electoral successes of the BNP had been confined to local election, most significantly winning 46 local council seats in May 2006. At the May 2002 local elections – when discussion surrounding the closure of Sangatte was ongoing, the BNP made its first gains for nine years, winning three seats at Burnley, a tally increased in 2003. For news media reports see: (2009). BNP BECOMES BURNLEY'S SECOND PARTY, 2 MAY, 2003, BBC News Online, (2009). BNP DOUBLES NUMBER OF COUNCILLORS, 5 MAY 2006, BBC News Online, Traynor, I. (2009). A SAD DAY FOR BRITAIN AS BNP MEMBERS TAKE EUROPEAN PARLIAMENT SEATS, Guardian Online. 2009.



conditions of possibility emerged through which the signification of an asylum problem could spiral into a 'crisis'.

Subsequent to the closure of Sangatte's Red Cross camp, and despite the introduction of major legislation (the Immigration and Asylum Act 1999) and a new White Paper in February 2002 proposing further measures (*Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*), news media coverage and political discourse continued to articulate an 'asylum crisis', promoting the sense of an urgent need to address asylum and immigration issues with a stiffer policy response, both in relation to stemming arrivals and managing those already in the UK, (for example: *BBC News Online*, 23rd May 2002; *Guardian*, 24th May 2002; (1??). To signal the seriousness with which the 'asylum crisis' was being taken, Tony Blair was reported to have taken 'personal charge' of the policy area in May 2002, leaking a series of proposals to the *Guardian* newspaper - including the use of Royal Navy ships in the Mediterranean to intercept people traffickers, and effecting mass deportations through the use of RAF planes – neither of which were actually introduced. (*Guardian Online*, 23rd May 2002)<sup>67</sup> In this situation, both an adversarial and antagonistic relation is in operation in the construction of national identity. Hague's formulation is to emphasise how 'they' (Labour, liberal elites, the politically correct), refuse to recognise the common sense position of 'us, the people'. They are political adversaries, but they in turn do not adequately recognise the antagonistic threat (of being over-run by asylum seekers - those who do not 'belong' as of right within Britain). According to Tyler:

all mainstream political effort is put into the work of producing crisis, an engineered crisis which then is met with political discourses of "crisis management". The creation of endless systems to "manage" the "asylum problem" is dependent upon the constitution of the figure of the asylum-seeker as a threat: a threat that must be staged continually. It is through the production of the imaginary figure of the asylum-seeker as an "illegal" threat to "our" sense of national belonging that "we" learn to desire and demand "their" exclusion. (Tyler 2006: 191)

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67 The significance of Sangatte as an issue of public debate was also signified by the screening of a series of documentaries across UK terrestrial television channels, including: 'How to Break into Britain', a *Dispatches* documentary for *Channel 4* screened on 11th June 2002; 'Freedom Express' screened on *ITV1* on 30th June 2002 and 'Calais – the Last Border', screened on 29th February 2004, on *BBC2*. Finch, J. (2002). *How to Break into Britain. Dispatches*. UK, Channel 4, Jones, R. (2002). *Freedom Express. The London Programme*. UK, *ITV*, Issacs, M. (2004). *Calais: The Last Border*. UK, *BBC2*.

It is my contention that the nationalist fantasy of the nation as 'an essentially complete, independent and unified nation-space' continues to operate as an organising myth in British politics. The national space *as* the primary political terrain is visibly threatened by various forces which seem to undermine its sovereign power. Beyond Powell's, post-colonial reimagining of the nation-state, the symbolic power of 'Britishness' seems also undermined by the uncertainties that global free-market economics introduce into the management of the national economy, and the question of how far to share sovereignty regionally in order to relieve and mitigate those uncertainties. In addition, the credential and standing of Britain within the international community continue in part to be premised upon post-WWII agreements which position the UK as legitimate in international law, such as participation in human rights laws and conventions. The asylum issue potentially represents an antagonism to British identity on each of these counts, destabilising the relatively consistent and meaningful order premised upon the balances struck on each of these counts. It is a crisis of the nation-state, but also of the global system within which nation-states and their relations are maintained which the asylum seeker comes to embody and represent: the phantasmatic construction of the British nation functions to conceal this disorder, and it is displaced onto foreign elements - of which the asylum seeker is one.

Despite the similarities with Powellist populist discourse, however, there are many differences. British nation is no longer viably envisaged in the normatively monocultural way that Powell implies within mainstream national-populist discourse. With the integration of third and fourth generation New Commonwealth immigrants and a celebrated Multicultural society (albeit rather shallowly in a 'chicken tikka massala' way; and continuingly problematised by discourses signalling the uneasy management of 'diversity' - primarily couched in the terms of 'social cohesion' agendas), the 'foreign' interruption to the 'completeness', 'independence' and 'unification' of the national space is not so simply meaningful. Rather, the 'interruption' is rearticulated as a destabilisation of a self-consciously constructed and shakily harmonious 'diversity' (which may or may not prove to be problematic, depending upon how it is controlled or 'managed'), the balance of which is disturbed by further additions to the social make up of diversity/complexity (i.e. through the arrival of further immigrants, of whom asylum seekers are the primary concern in this particular conjuncture.) (Goodman 2008)

## **Sangatte and the Construction of an 'Asylum Crisis'**

In the late summer of 2001, a high profile news story featured persistently in the British news media focusing upon the phenomenon of asylum seekers attempting to cross the English Channel to Britain from northern France. According to press reports, large numbers of (mostly) young single men were based in a disused hangar in the town of Sangatte and desperate to reach British shores. Although it was owned by Eurotunnel, the hangar had been converted into a Red Cross shelter for the accommodation of homeless asylum seekers living near to the tunnel's entrance. The migrants, it was reported, were single minded in their aim of discovering a way to reach Britain in order to seek asylum, endeavouring nightly to clandestinely complete their journey to the UK.

The very first reports in the British press linking Sangatte with asylum seekers appeared in late 1999, the first appearing in *The Independent*: 'REFUGEES SET THEIR SIGHTS ON BRITAIN'. (*The Independent*, 21st August 1999) The article explained how the Eurotunnel hangar at Sangatte, 'a desolate and cavernous hulk whipped by the North Sea wind', was providing temporary shelter for people seeking to claim asylum in the UK, including those who had fled the conflict in Kosovo. The article presents an image of the 'pitiful conditions' lived by the migrants at Sangatte, including the personal testimony of an asylum seeker from Kosovo:

Agim Bashi, for one, has had enough. The young Kosovar, who said the shop he owned in Pristina was burnt by the Serbs, was off yesterday to try to make Blackheath, in south-east London, to join his sister and brother in law. 'I tried the Eurostar last week but they caught me because I had no papers,' he said. 'But the ship is better. I am a genuine refugee, not fake like some of the others. I know that once I get to England I can prove this is so, but it is not easy.' (*The Independent*, 21st August 1999)

As an account of the plight of asylum seekers, the article is not entirely sympathetic. In highlighting the experiences and motivations of one seeking to reach the UK, it constructs a complex narrative which invites the reader to pass judgment more generally, positioning us as decision-maker at two different levels. Whilst Bashi's story, supported by the authoritative voice of the journalist, seems encoded as a reliable and fairly reasonable account, the veracity of asylum stories is also called into question by his assertion, 'I am a genuine refugee, not fake like some of the others'. Bashi's self-affirming rhetorical device is

appropriated and transformed here into a journalistic one which encourages suspicion about the legitimacy of asylum seekers in general. The voice of Bashi, a potential object of doubt, is utilised so the journalist can be distanced from the suspicious tone of her article. It is also important that the 'genuineness' of asylum seekers in general is called into question at this stage, as it provides a meaningful reference point against which the less well-substantiated later claims about fabricated asylum stories can be supported. For example:

There is evidence some are from Albania rather than Kosovo. But saying they come from the war-ravaged state means they cannot be easily deported and gives them a much better chance of settling in the west than as economic migrants. (*The Independent*, 21st August 1999)

The dominant discourse here articulates sympathy for the particular case with a more generalised suspicion towards asylum seekers. It is a conditional sympathy which conceals a tension between the concepts of hostility and hospitality: an uneasy articulation between a kind of realist self-protectionism and liberal humanitarian openness towards the other. Traces of the earlier discourses surrounding refugees from the Kosovan conflict evidently inform and further contextualise this discourse.

A few months later in November, the *Daily Mail* carried the second story linking asylum and refugee issues with Sangatte: OVER THE FENCE TO THE GOOD LIFE; REVEALED: THE ASTONISHING EASE WITH WHICH IMMIGRANTS CAN TAKE A ONE-WAY TICKET TO BRITAIN. THE TRICKLE BECAME A TORRENT... AND THE FRENCH JUST STOOD BY. (*Daily Mail*, 27th November 1999) The article focuses upon the process by which groups of young men attempted to smuggle themselves onto ferries bound to Britain from the nearby port of Calais. Both the apparent ease with which this was accomplished due to the indifference of the French authorities and the allure of Britain as a destination are heavily emphasised. Britain is described as a 'promised land' with a 'generous and easily exploitable welfare state', where migrants might find a 'better' or an 'easier life', and Sangatte by contrast as an inhospitable place, serving as a ready conduit for the UK: 'a massive green metal hangar on a windswept tract of wasteland', 'home to 230 refugees at any one time, claiming to be fleeing war and political persecution'; a 'thoroughfare'; a 'transfer station to Britain', 'a jumping off point for illegal immigrants.' (*Daily Mail*, 27th November 1999) Unlike the *Independent* article's discourse of conditional sympathy, the *Daily Mail*, (perhaps

surprisingly given its earlier campaign in support of Kosovar Albanian refugees), does not position the reader in so personal or direct relation to the asylum seekers at Sangatte. Instead, readers are set at a distance - as if spectators to a competition from which they have been excluded as participants. For asylum seekers attempting to reach the UK:

Entry to this country is a game well worth playing. If they win, they become eligible for financial and welfare support they could not have dreamed of in their homelands. (*Daily Mail*, 27th November 1999)

The notion that Britain's resources (and in particular its welfare system) has been drawn into 'a game' played by asylum seekers is a powerful idea drawing upon pre-existing anti-immigration discourses emphasising migrants as a drain on resources. (Hartman and Husband 1974; Cottle 1992) If asylum seekers are 'the winners' in the 'game' of 'exploiting our national resources', the article implicitly suggests, then 'we whose resources are being exploited' must be the unwitting losers. Furthermore, however, in the asylum game, the French authorities are also positioned as 'players', imagined to be abnegating their share of responsibility for the Sangatte asylum seekers, and whose strategy is to ensure that the UK must deal with the 'asylum problem'. Drawing on existing euro sceptic discourses, perhaps, this idea is introduced through the voice of an anonymous immigration officer source:

Told of the apparent lack of security and ease with which the refugees boarded the ferry, he added: 'That's no surprise at all - the French don't want the problem and they are making it as easy as possible to make the problem ours.' (*Daily Mail*, 27th November 1999)

Careless border policing, then, serves the interests of the French authorities at 'our expense', and also to the benefit of migrants who are not, perhaps, likely to be in need of 'our' protection: 'The depot is surrounded by a steel fence with bars spaced widely enough for even the most well-fed immigrant to squeeze through.' (*Daily Mail*, 27th November 1999)

The article presents even more strongly asserted unsubstantiated claims which call the credibility of Sangatte asylum stories into question:

Under the noses of the French authorities, who do nothing to stop them, a battalion of illegal immigrants secretly boards the ferries sailing across the Channel to Britain each day. A few are genuinely fleeing persecution. Most are just seeking a better life. (*Daily Mail*, 27th November 1999)

These arguments are persuasive not because of the manifest facts presented, but because of the stylistic use of rhetorical devices and intertextual references they employ. For example, the illegitimacy of the migrants is encoded by the lexical choice of 'illegal immigrants' rather than 'asylum seekers' or 'refugees' as a label. However, there is much at stake for 'us' too in the *Daily Mail*'s choice of terminology: 'asylum' is presented as a performative articulation which positions the UK as 'losers' at the point at which 'we' are finally allowed to join the 'game'. When the migrants reach the UK: 'Most uttered that magic word 'asylum' on being discovered and were taken away to be processed in the same way.' (*Daily Mail*, 27th November 1999) A cursory interview seems to be the only obstacle to migrants gaining admittance to the UK, 'sent on their way' with accommodation arranged. Our adversaries, the French authorities, have the upper hand in this asylum game, able to take advantage of British inattentiveness to deflect these problems in 'our direction'. As such, the article is a call to action - to defend the UK from its position as a 'soft touch.'

Indeed, these early articles about Sangatte provide several key indicative examples of the discursive elements typical of coverage of the months which followed: the unquestioned 'draw' or attraction of Britain as the desired destination for asylum seekers; that the numbers of asylum seekers were increasing to an unmanageable degree; and, a discourse of suspicion that most asylum claims were likely to be 'unfounded', 'fake' or 'bogus'. But also, the Sangatte story dramatised tensions between the British and French governments regarding their respective 'public interests' which informed policies on Sangatte, and how these were cut across by commercial interests, such as Eurotunnel and other carriers liable to fines for carrying undocumented migrants. (Schuster 2002; Thomson 2003; Schuster 2003a; Schuster 2003b) By 2000, Sangatte seemed to have become a key signifier of a growing 'crisis' surrounding asylum, but a 'crisis' constituted on a complex discursive terrain, divided by several conflicting political, social and economic interests. As Schuster argues:

The Sangatte 'crisis' came about because of the coincidence of interests between the cross-channel carriers, the Conservative party and the media. The government accepted that there was a 'crisis' and accepted the solution proposed by those parties, i.e., the closure of the camp and increased security at the port, Tunnel and terminals. The government also understood that Sangatte was only one element of the larger migration challenge it faced. (Schuster 2003b: 521)

Sensationalist news media coverage framing asylum and refugee issues as a problem has long been a part of UK news agendas (Kaye 1996; Kaye 1998; Speers 2001; Kaye 2001b; Coole 2002; Sales 2002; Buchannan, Grillo et al. 2003; Kushner 2003; ICAR 2004; Greenslade 2005; Irwin and Wilson 2005; Gross, Moore et al. 2007; Smart, Grimshaw et al. 2007) as it has within the political and policy discourse of national politicians. (Kaye 1994; Steiner 2000; Thomson 2003) This has also been well documented as a feature of the public discourse of other advanced industrial countries of the West. (Greenberg and Hier 2001; Hier and Greenberg 2002; van der Valk 2003; Gale 2004; Dalal 2005; Haynes, Breen et al. 2005; Van Gorp 2005; Fanning and Mutwarasibo 2007; O'Doherty and Lecouteur 2007; Leudar, Hayes et al. 2008; O'Doherty and Augoustinos 2008; Threadgold 2008; Vas Dev 2009) Hostile news narratives about asylum seekers and refugees are by no means new, and the negative coverage surrounding asylum should be contextualised in light of a legacy of hostile discourses surrounding immigration and immigrants more generally. The term 'asylum seeker' began to enter the vocabulary of the British national press in the late 1980s several years before the fall of the Berlin wall. European and foreign affairs news sections reported a problem emerging with the number of asylum seekers entering Europe through East Germany, whose visa restrictions on 'Third World' nationals were reported to be more casual than those in other Western European countries. In the summer of 1986, headlines such as 'WEST BERLIN SWAMPED BY PEOPLE SEEKING ASYLUM' (*Financial Times*, 10th July 1986) and 'DANES TO DAM FLOOD OF ASYLUM SEEKERS' (*Guardian*, 8th October 1986), appeared in the British broadsheet press. Such articles, focusing upon responses to the sudden human displacements within Europe at the end of the Cold War, might be seen as an indication of the breakdown of a post-war discourse of political asylum in a bipolar world order, where those seeking sanctuary in the 'free world' could serve as a political symbol for the superiority of the West. Later, as explored above, the coverage surrounding asylum seekers from the Kosovo conflict generated its own complexities, and with more direct applicability and immediacy for the UK.

Sangatte is clearly neither the only, nor the first asylum 'event' to generate headlines. The earliest published media content studies during the 1990s, for example, explored the coverage of, what was termed by the press, 'the gypsy invasion'. (Kaye 2001b) Indeed, many research reports of asylum in media or political discourse identify particular events to

account for peaks of coverage, or otherwise contextualise or explain their findings in relation to certain broader items in the news agenda at the time of monitoring. Kaye also, for example, explored the coverage surrounding the publication of an Immigration Services Union report on asylum in June 1998<sup>68</sup> in the run up to the government's White Paper on Immigration and Asylum, *Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum*. (Kaye 1996; Kaye 2001b) The study conducted by the Information Centre on Asylum Seekers and Refugees (ICAR) situated their findings about the patterns of asylum coverage in relation to a range of events in 2003, including the criminal trials of asylum seekers following the Yarl's Wood detention centre fire in February 2002, and the release of government and opinion poll statistics, whereas Smart et al. contextualised the coverage they analysed in relation to the policy proposals of mainstream political parties in the run up to the 2005 general election as well as Holocaust memorial events and the aftermath of the Asian Tsunami. (ICAR 2004; Smart, Grimshaw et al. 2007) Gross et al.'s study of the national broadcast news coverage of asylum and refugee issues did not find them to be a newsworthy topics in and of themselves in 2006, but that asylum nonetheless featured frequently in news narratives to connote negativity, represented especially as a 'symptom' or cause for political crises and mismanagement as the New Labour administration struggled to maintain unity during the last months of Tony Blair's premiership. (Gross, Moore et al. 2007)

However, perhaps due to the sheer volume of news media material generated about asylum and refugee issues, whilst media monitoring studies have analysed various areas of the coverage during this period, none has traced the patterns of coverage throughout. Media content studies have tended to provide periodic 'snapshots' of asylum coverage since the early 1990s, rather than a broader picture of trends of coverage (although almost all studies concerning asylum note the particular newsworthiness of the issue in recent years).<sup>69</sup>

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68 The Immigration Services Union (ISU) is the trade union for immigration officers and personnel, which according to Kaye was 'known to be hostile to a more liberal regime towards immigrants, refugees and asylum-seekers.' Kaye, R. (2001a). *Blaming the Victim: An Analysis of Press Representations of Refugees and Asylum Seekers*. Media and Migration: Constructions of Mobility and Difference. R. King and N. Wood. London, Routledge. (p.64)

69 Kaye's studies of the national print media between 1990 and 1996, October 1997 and June-July 1998 were followed by Speers' research which monitored the press in Wales in 2000 from April to December. Buchannan et al.'s study monitored the national print media between October and December 2002, and



Kushner's study for example, focusing on coverage between October 2002 and March 2003, notes its intensity particularly in certain areas of the national press:

Shriller still and more numerous have been the articles in the *Daily Express*, which printed over 600 items on asylum-seekers in the same period. When added to the hysterical tone on the subject adopted by the *Sun* and the *Daily Star*, the populist press in Britain [...] has been pouring out an unprecedented and largely unchallenged invective against asylum-seekers. (Kushner 2003: 258)<sup>70</sup>

And more generally, Cohen notes:

Although there have been intermittent panics about specific newsworthy episodes, the overall narrative is a single, virtually uninterrupted message of hostility and rejection. There is a constant background screen, interspersed with vivid little tableaux: Tamils at the airport, stripping in protest; Kurds clinging to the bottom of Eurostar trains; Chinese suffocating to death in a container lorry. (Cohen 2004 [1972]: xix)

Cohen's impression of two levels of negative discourse surrounding asylum might be explained as a combination of, what might be called in political communications theory, 'thematic' and 'episodic' news frames. According to Iyengar, the type of 'framing', or the structuring of a news story which leads the audience to interpret or evaluate a story in a particular way, is important because it is thought to determine the likely attribution of responsibility for political issues: whereas episodic frames encourage attribution of responsibility along more individualistic lines, 'thematic' frames situate public issues within a broader context, with more a generalised sense of social conditions and outcomes:

The use of either the episodic or the thematic news frame affects how individuals assign responsibility for political issues; ...episodic framing tends to elicit individualistic rather than societal attributions of responsibility while thematic

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terrestrial broadcast news media May-June 2002 and December 2002 and February-March 2003. In 2003, ICAR monitored UK national, and London regional press as well as some BME and free newspapers between August and September, and Irwin conducted an analysis of the Scottish press between July and October 2004. Smart et al. surveyed the UK national, regional, faith and minority press between January 2005 and March 2005. Gross et al. monitored the UK broadcast news media between April and October 2006 and most recently, Khan monitored the Scottish and UK national press between September 2007 and March 2008. 70 However, it should be noted that not all media coverage of asylum seekers shares these characteristics. In the period Kushner focused upon, for example - the run up to the 2003 attack on Iraq - the *Daily Mirror*, under the editorship of Piers Morgan adopted a deliberately 'alternative' and ostensibly more 'liberal' tone to that of the rest of the popular press. According to Kushner, this may have impacted upon the *Daily Mirror*'s coverage of asylum, influencing a less strident opposition to asylum in that newspaper at that time. Kushner, T. (2003). "Meaning nothing but good: ethics, history and asylum-seeker phobia in Britain." *Patterns of Prejudice* 37(3): 257-276.

framing has the opposite effect. Since television news is heavily episodic, its effect is generally to induce attributions of responsibility to individual victims or perpetrators rather than to broad societal forces.(Iyengar 1991: 15-6)

Viewing Cohen's assessment of asylum coverage through Iyengar's news framing theory, we might see his 'dramatic tableaux' as the episodic framing of asylum stories, supported by a 'virtually uninterrupted' coverage along thematic lines with its 'message of hostility and rejection'. This is perhaps useful for understanding how a certain slippage occurs in the representation of asylum and refugee issues, between asylum *in* crisis and asylum *as* crisis. The first appears to generate a legitimate democratic debate, the most important effect of which is to hold the government to account (thematic), whereas the second generates hostility towards asylum seekers themselves as a threatening or alien 'other' (episodic). Although both variants of 'framing' or discursive construction are implicated in one another, their relative autonomy serves a mutually reinforcing function. Their articulation holds in tension a set of liberal ideals about the nature of public discourse in a democratic society, and a nationalistic discourse of exclusion. Yet neither of these 'frames' disturbs the dominant discourse surrounding asylum seekers and refugees. Both contribute to the reproduction of statements which either articulate asylum seekers or refugees themselves as a threat or a problem, or which emphasise the necessity to control asylum, to strengthen or reinforce the existing system – which by extension assumes that there is a threat or problem to be controlled. Even though advocates for 'free migration' or for relaxing or abolishing border controls altogether exist, the manner in which the dominant discourse frames asylum and refugee issues renders it almost impossible to think of such proposals as reasonable, or even meaningful politically, even on the margins of such debates. (Cohen 2003; Hayter 2004; Legrain 2006; Moses 2006)

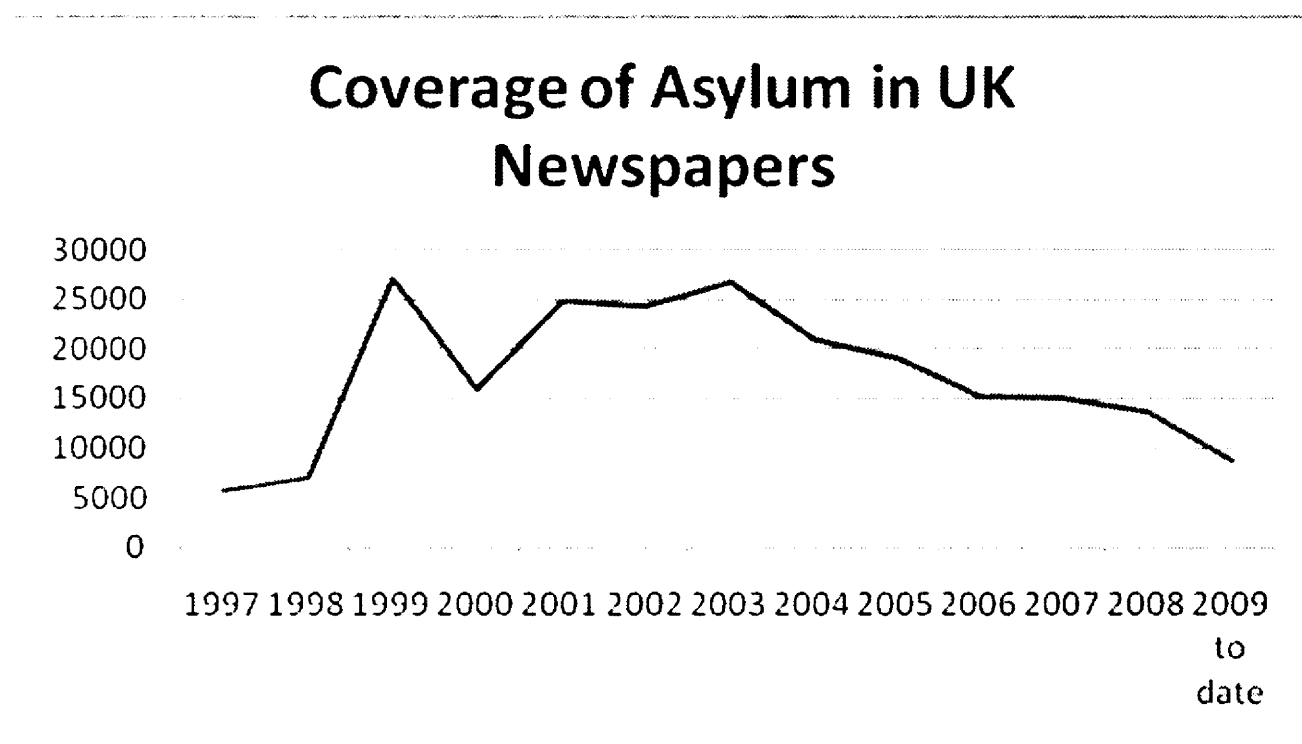
This is not to suggest that the dominant asylum discourse has passed without critique, from either mainstream politicians or media commentators, even from those one would not necessarily associate with 'liberal ideas' on asylum. Matthew D'Ancona in the *Telegraph* for example, draws attention to the political expediency of the government's deployment of militaristic metaphors in his article, 'ASYLUM IS NOT A MILITARY MATTER, MR BLAIR'. (*Daily Telegraph*, 26th May 2002). D'Ancona's critique, however, also provides a good example of

D'Ancona's purpose is not to assert that asylum should not be viewed as a problem, rather to undermine Blair's political strategy in criticising the government's political competence as well as its competence in managing the asylum 'fiasco'.

### **Situating Sangatte: An Overview of the Coverage**

A search of the Nexis database of UK print news since the late 1990s clearly indicates that the coverage of asylum and refugee issues reached a volume and intensity of unprecedented levels in 1999, and maintained a very high news value in the years that followed.

*Figure 1*<sup>71</sup>



A steady increase in coverage in 1998 suddenly escalating in February and April 1999, largely attributable to coverage of refugees during the Kosovo conflict, and further

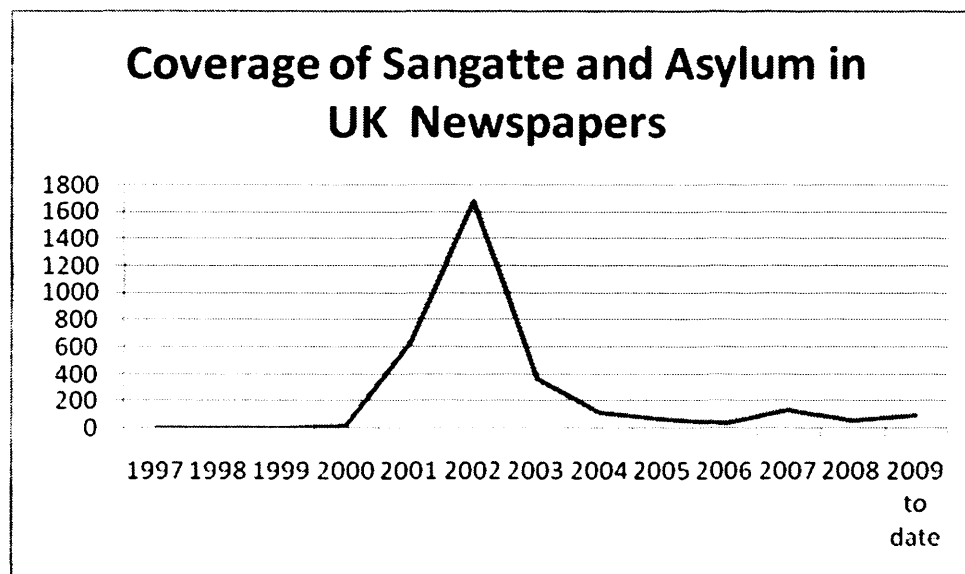
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<sup>71</sup> The keywords used for this Nexis search were "asylum OR refugee! (anywhere)"

of particularly voluminous media coverage have occurred in August to November 2001, April to June 2002, December 2002 to March 2003 and in April 2005. Although the volume of coverage of asylum and refugee issues has decreased in the months and years that followed, this has only been to levels unprecedented in 1999. Albeit unevenly, the coverage has been sustained at a high level throughout the first half of the 2000s.

Sangatte arrived on the news agenda at a time of apparently heightened public awareness and growing concern regarding the numbers of asylum seekers arriving in Britain, coinciding with the sustained high levels of coverage between 2000 and 2003.

Figure 2<sup>72</sup>



It seems to have been at its most newsworthy during the height of asylum coverage from the second half of 2001 to 2002, reaching several peaks: in September 2001, May 2002 (with coverage sustained at a high level throughout the summer months) and December 2002 (with coverage increasing from November). Buchanan et al.'s study highlights Sangatte as a key event in the generation of asylum coverage, focusing, in particular, on the period leading to the centre's closure as well as the settlement in the UK of 1200 of Sangatte's

<sup>72</sup> The data here is generated from a basic search of UK newspapers using the Nexis database and the keywords: "Sangatte (anywhere) AND asylum OR refugee! (anywhere)". The search provides a general indication of the volume of coverage rather than an exact figure, as it includes duplicate articles and possibly other unintended material captured by the keywords used. Filtering the articles by hand could be expected to reduce the overall numbers of articles, but not to significantly alter the proportion of annual totals.

residents following a deal between the UK and French governments. (Buchanan, Grillo et al. 2003) Their analysis of the coverage found that asylum seekers were associated particularly strongly with criminal activity, or illegality more generally, and often associated with making claims upon the state (for sanctuary, but also housing and welfare support) to which they were not very likely to be entitled. Concomitantly, the UK was represented as 'under siege' from a range of threats posed by the arrival and presence of asylum seekers to the UK. Images pervaded the news of asylum seekers as hooded figures scaling security fences, clambering into or out of freight lorries, concealing themselves amongst the cargo, or creeping into the channel tunnel to find a way into the UK. Given these patterns in the coverage, I would argue that it is reasonable to consider the discursive construction of Sangatte as an 'asylum crisis' as a key element in the formation of asylum as a crisis issue more generally at this time. Certainly, the Sangatte controversy has been identified by migration scholars as a highly significant moment in the politics surrounding asylum in the UK. (Schuster 2002; Monicault 2003; Schuster 2003a; Schuster 2003b; Fassin 2005; Welch and Schuster 2005b) However, the degree to which Sangatte has been accepted as a 'crisis' or as representing a 'crisis in asylum policy', has varied. Welch and Schuster, for example, argue that:

in response to a rabid and concerted campaign in the tabloids, the Labour government in 2002 reacted to a fictional crisis by shutting down the Sangatte refugee camp on the French side of the English Tunnel, intercepting boats transporting illegal migrants, and expediting deportation. (Welch and Schuster 2005b: 346)

Welch and Schuster are careful not to ascribe an ontological status to the 'crisis' associated with asylum at this time. According to them, the 'fictional crisis' was a tabloid media construction which nonetheless generated material effects. Whilst Welch and Schuster emphasise the news media's influence upon political action, others have pointed to the political discourse itself as generating a culture of anti-asylum seeker feeling, which was then reflected in the public discourse. (Thomson 2003) While both politicians and journalists of course cite a responsibility to respond to the strong feelings of the public on these issues, there is a rather weak 'evidence base' from which to draw any reliable conclusions about this. Whilst there is a wealth of opinion poll data suggesting a persistent level of public concern in relation to immigration and asylum issues, surprisingly little

empirical social research has been conducted on the public perceptions of asylum seekers and refugees in the UK. (Crawley 2009) Research that has been conducted has suggested, however, that there is a strong awareness among asylum seekers and refugees of public hostility towards them, and a suspicion that the media is, at least in part, to blame for this negativity as they experience it. (Buchanan, Grillo et al. 2003; ICAR 2004; Moore and Clifford 2007) All discourse on asylum, whether generated from media coverage, political discourses or elsewhere, as with regard to any issue, does not merely reflect, but also actively constructs its 'reality' or 'truths' through which it is possible to make sense of, or understand it as significant or meaningful. Discourses surrounding asylum have material effects, including demands for political interventions and policy changes. (Bloch and Schuster 2005b) But there is also a range of competing discourses evident at each of these sites – the news media, parliamentary politics and policy-making, 'the public'. The patterns of news media coverage about asylum since New Labour came to power in 1997 have, therefore, been differently inflected according to the particular cultural and political moment, as well as across different news media publications. Yet, they are also overdetermined by the existing patterns of reporting immigration more generally, as well as the discourses surrounding the issues with which they are linked, or collocated, in the coverage.

### **Metaphors of threat**

The idea of an 'asylum crisis' has often been communicated in media and political discourse through very pejorative metaphors. Media scholars have noted how metaphors describing the actual, impending or potential arrival of asylum seekers typically carry connotations of natural disaster, meteorological or ecological catastrophe. (Charteris-Black 2006) In particular those associated with 'flooding' or 'swamping' have been identified as a key characteristic of the news coverage of asylum and immigration issues, including the coverage of these issues at the time of Sangatte. (van Dijk 2000a; van Dijk 2000d; Speers 2001; Buchanan, Grillo et al. 2003; van der Valk 2003; ICAR 2004; Bleasdale 2008) 'Herds of marauding' asylum seekers or metaphors of military aggression more generally ('intruders', 'invasion', 'onslaught', 'legions' of asylum seekers) have also regularly featured in the rhetoric of politicians as well as the national press. Van Gorp, and others have noted how managing 'the problem' is often expressed in terms of conducting a 'war'. (Van Gorp

2005; ICAR 2008) Other studies have noted how immigrants or asylum seekers are often represented as animals (Santa Ana 1999), as an invading army, (El Refaie 2001) or as organisms, which might 'infect' or alternatively be 'ingested' by the mainstream population. (O'Brien 2003) Other more passive, but nonetheless dehumanising metaphors have also been noted, such as the imagery of cargo. (Bleasdale 2008)

The imagery through which asylum has been represented has tended to draw associations with awesome forces, either natural or man-made, to which receiving states are subject. Asylum seekers themselves are either represented as helplessly subjected to these forces, or to be complicit with or exploitative of the opportunities these forces present, as for example, in the early *Daily Mail* article discussed above, which reported asylum seekers from Sangatte taking advantage of limited security at the port of Calais. Here, Britain is represented as if pulling asylum seekers magnetically through the ports in France, 'It was as if the floodlit terminal was drawing them like a magnet.' (*Daily Mail*, 27th November 1999)

The vivid imagery represented by such metaphors demand an active response. They pose questions such as, why has this happened? How has this happened? Could we have prevented it? Can we still do something about it? Questions such as 'has anything significant really happened'? Is asylum really a bad thing? Could asylum even be a good thing? are eluded. Such questions do not make sense within the terms of a dominant discourse which assumes that asylum represents a problem and asylum seekers a threat. In Hall's terms they are not encoded as 'preferred readings' of the dominant narrative on asylum, and as responses, they do not seem meaningful or to logically follow from an interpretation of the metaphors through which asylum seekers are regularly represented. (Hall 1980)

Drawing upon the work of 'metaphor researchers' in political analysis, cognitive linguist Charteris-Black primarily regards metaphor as a 'cognitive heuristic' through which 'to simplify and make issues intelligible, bridge the gap between the logical and the emotional.' (Charteris-Black 2006: 565) In this, metaphor is understood to be deployed to persuade an audience of cognisant-subjects in the service of particular interests. However, this approach assumes that the subject is a unified actor, who is external to and acted upon or

manipulated by language. However, Rhetorical tropes such as metaphor are not merely the associations of ideas, but have a role in the material production of the social:

Synonymy, metonymy, metaphor are not forms of thought that adds second sense to a primary, constitutive literality of social relations; instead they are part of the primary terrain itself in which the social is constituted. (Laclau and Mouffe 1985: 110)

The long association of certain metaphors with immigration and asylum issues would suggest that they have played an important role in the way in which this discourse has been constructed, and perhaps also how the relative stability it seems to exhibit has been maintained. (Threadgold 2006) The articulation of a stable 'asylum crisis' narrative through such 'relatively fixed and syntactic forms' has served a crucial role for policy makers in justifying the introduction of ever more stringent controls within the asylum system. According to Cohen's moral panic theory, an ideologically important dimension of asylum discourse is that 'the "naturalization" of particular metaphors can blur the boundaries between the literal and the non-literal.' (Cohen 2004 [1972]: xx) However, if we understand with Laclau and Mouffe that there is no boundary in the sense that Cohen intimates, between a figurative, 'non-literal' and a 'literal' sphere beyond the discursive, then this assumption seems rather less tenable. In the most direct way, metaphorical representations help to produce the asylum seeker as an 'other' to British citizens, and mainstream society more generally. They are produced as those who 'do not belong'. As many scholars have noted, 'othering' is a distancing mechanism which renders it easier to legitimate a less caring, less humanitarian response to the plight of asylum seekers. Many of the metaphorical figures commonly identified by media scholars and discourse analysts are not particular to asylum in Britain or unique to this historically specific moment. Rather, these forms have been deployed in political rhetoric and media discourse in previous periods, in relation to earlier migrations to Britain, as well as immigration in other European or Western countries. (Mehan 1997; Verkuyten 2001; Jaca and Green 2003; Lynn and Lea 2003; van den Berg, Houtcoup-Steenstra et al. 2003; van der Valk 2003; Lynn and Lea 2005; Verkuyten 2005)



### **‘Crisis’ as a slippery concept**

The articulation asylum-crisis is often mediated with representations of the asylum system itself as being ‘out of control’ - something variously understood as resulting from inadequate or ill-conceived government policies, or due to incompetent or inefficient implementation of their measures. (Webber 2006; Gross, Moore et al. 2007) Recent research has suggested that representations of *the system in crisis* are more likely to constitute the main subject of asylum discourse (as it is represented in the news media) than a focus on asylum seekers themselves. (Gross, Moore et al. 2007) For some analysts, the distinction between attacking and stigmatising the figure of the migrant, or asylum seeker is qualitatively different in political terms from problematising the system designed to ‘manage’ them. According to Charteris-Black,

There is a further difference between far-right discourse that represents *immigration* as a natural disaster and centre-right discourse that represents the *immigration system* as a disaster - although the latter covertly assumes that immigration is a disaster, because otherwise, if the system for managing it was not foolproof, it would not be such a disaster. (Charteris-Black 2006: 579)

Whilst the identification of different articulations of ‘disaster’ is significant and meaningful, I would argue that there is no necessary relation between this and the political identity which expresses them. Indeed, whilst it is rather difficult to identify and maintain any clear distinctions between what is to be understood as ‘far-right’ and ‘right-wing’ discourses on immigration and asylum, I would argue that the slippage between asylum *as* crisis (asylum seekers as a threat, the principle of asylum as threatening) and asylum *in* crisis (the asylum system and measures of control are inadequate to the problem) serves as an important mechanism in the reproduction of dominant asylum discourse. This has been illustrated, perhaps most strikingly in recent times, by the controversial choice of the word ‘swamping’ to describe the pressures caused by the children of asylum seekers attending mainstream British schools voiced by, then Home Secretary, David Blunkett, in an interview on Radio 4’s *Today* programme on 24<sup>th</sup> April 2002. With strong echoes of Margaret Thatcher’s rhetoric surrounding the Conservatives ‘get tough’ policies on immigration in 1978, and fears that ‘race relations’ would suffer if people felt ‘swamped’ by immigrants of a ‘different culture’<sup>73</sup>

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<sup>73</sup> On *World in Action* on 27<sup>th</sup> January, Margaret Thatcher asserted: ‘Well now, look, let us try and start with a few figures as far as we know them, and I am the first to admit it is not easy to get clear figures from the Home

(which in turn, were resonant with the rhetoric of Powell on immigration), Blunkett, although clearly aware of the intertextuality of his comments, denied any connotations that this might carry:

The idea that a word is unusable even though the dictionary definition is perfectly straightforward because an ex-Prime Minister used it... in a different context in an emotive way is ridiculous. (Blunkett 2002a)

Through this indirect route, Blunkett's strategy ensures that his political discourse is identifiably articulated within an equivalent discursive territory to that of the Conservatives under Hague. It is the populist image of 'toughness' connoted by Powellist-Thatcherite rhetoric which is important to Blunkett here, as much as the draconian policy proposals advocating the segregation of asylum seekers' children from mainstream education system.

Used prolifically in relation to asylum in the language of national politicians and the national print news media, the signifier 'crisis' has clearly served an important rhetorical purpose. The association of asylum with 'crisis' was evident in UK national press headlines as early as 1992, an article in the *Guardian*, 'CRISIS, WHOSE CRISIS?' reporting on the Conservatives' proposed asylum bill. It provides another example of the slippages in meaning between the ascription of 'crisis' to the phenomena of asylum seekers arriving at British shores (asylum *as crisis*) and the political management or mismanagement of the state apparatuses in place to respond to their arrival (asylum *in crisis*):

The facts so far available suggest the asylum "crisis" was exacerbated by bureaucratic error. Swift, humane procedures are required to handle applications and eliminate fraud. That is what the bill should contain, not the denial of a fair hearing to new arrivals at the ports. (*Guardian*, 13th May 1992)

If asylum is articulated *as* a crisis in itself, such as through the metaphors of pseudo-natural disaster, it may well signify a serious phenomenon that faces the nation, but also one whose 'origins' appear less controllable by those in power. For example, many accounts situate

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Office about immigration, but there was a committee which looked at it and said that if we went on as we are then by the end of the century there would be four million people of the new Commonwealth or Pakistan here. Now, that is an awful lot and I think it means that people are really rather afraid that this country might be rather swamped by people with a different culture and, you know, the British character has done so much for democracy, for law and done so much throughout the world that if there is any fear that it might be swamped people are going to react and be rather hostile to those coming in.' Thatcher, M. (1978). Interview with Gordon Burns on Granada Television's *World in Action* ITV. London.

major global events and/or structural shifts of an economic or political nature from the late 1980s/early 1990s, such as conflict in the former Yugoslavia, the collapse of the Soviet Union and 'globalisation' as creating the conditions of possibility for increased global migration flows, and an 'asylum crisis'. 'Collapsing certainties' within liberal democratic states in the wake of such events, as well as increased global migration flows across borders into Western Europe from the beginning of the 1990s, according to Bloch and Schuster 'contributed to a sense of crisis' for Western European states. (Bloch and Schuster 2005b: 492) Whilst in this sense 'crisis' might be articulated as a product of forces which are beyond the jurisdiction and ready influence of any individual nation-state, Bloch and Schuster argue that since the 1990s this 'sense of crisis':

has been translated into a crisis of control – of borders, welfare states, national identities and societies and of security in the wake of 11 September bombing. Since government had made control an essential task of the state, the increasing difficulty facing states wanting to prevent or channel the mobility of strangers across their borders was presented as a danger to society and to the state itself. (Bloch and Schuster 2005b: 492)

As I will explore further in the chapters to follow, when couched in the terms of national security, any failure to tackle the task to which politicians have pledged themselves through either instituting or improving measures through which the 'asylum crisis' might be contained or abated is logically articulated as a failure to defend the nation. With such high stakes, policy failures in the area of asylum and immigration become by their very definition 'crises'.

### **The Clandestine and the Secret**

The idea of 'dangers unknown' is, I argue, a central discursive element in the formation of a hostile discourse on asylum in the UK. In the discourse surrounding Sangatte, this takes the form of tropes of secrecy to convey acts of concealment practiced by asylum seekers, including of their own bodies en route to the UK, to be acts of dissemblance. Indeed, the watery metaphors to describe the movement of migrants, such as 'waves' and 'flows' are also readily adaptable to this purpose. For example, in the *Daily Mail* article discussed above, 'OVER THE FENCE TO THE GOOD LIFE' the fluidity or ease of movement of asylum seekers is conveyed through the expression, 'The trickle became a torrent... and the French just stood by', (*Daily Mail*, 27th November 1999) the metaphors reinforce a regime of

representation surrounding asylum seekers which suggests a concealed, and as yet unknown danger. Here the phenomenon of asylum seekers attempting to reach Britain from Sangatte may have seemed at first, to be innocuous (merely a trickle), but in fact it harboured potentially very dangerous, perhaps even catastrophic forces (a torrent). The secretion of bodies within lorries bound for the UK, and the furtiveness of asylum seekers in general also forms a common part of media representations of the issue during the Sangatte period, as Buchanan et al. note:

In the lead up to the Anglo-French agreement, the overwhelming message was that the inhabitants of the Sangatte camp were not to be trusted and that the impending arrival of an unknown, and allegedly 'massive' number of them in the UK was a cause for concern. At best they were described as 'bogus asylum seekers' who have no right to come to the UK, at worst they were described as being a threat to Britain's security. (Buchanan, Grillo et al. 2003: 8)

Secrecy in this context is closely aligned with the idea of threat. As the signifier of something unknown, the secret evades full representation within the symbolic order, seeming to escape discourse - the rules which regulate that which appears to be known and knowable within a particular social formation. As such, the secret enjoys an illicit freedom and one which is possibly unwarranted. Potentially, the only constraint upon the freedom of the secret is the necessity to avert exposure and revelation in order to uphold the conditions upon which secrecy as such can be maintained. The secret, the concealed, the clandestine is threatening precisely because it cannot be represented directly (once the secret is disclosed it is no longer a secret). However, as Birchall notes:

Of course, we don't get to experience many of these secrets when they count as secret. We usually only hear about them when they are becoming something else - say public knowledge. We only learn of these secrets once they are revealed, which prompts the question of whether we ever really get to know or experience the secret. (Birchall 2006: 294)

Although represented as acting surreptitiously as clandestine travellers, asylum seekers seeking to reach the UK are not really, then, secretive. The representation is perhaps more one of revelation than of secrecy, as the *Daily Mail* report on their observations at Calais to expose the 'asylum crisis' suggests: 'Despite the darkness, we spotted shadows pulling at a tarpaulin flap at the back of a truck and hoisting it up. Then the shadows disappeared inside.' (*Daily Mail*, 27th November 1999) The oxymoronic quality of secrecy reporting is

further encapsulated in a later *Daily Mail* article on asylum, entitled 'STRUGGLING TO STEM THE SECRET INVASION; THE WAY IT IS'. (*Daily Mail*, 1st March 2000) For a neo-liberal subject, whose accountability for the self demands a continual self representation and reflexivity, and perhaps even 'transparency' of purpose, the act of concealment of oneself is perhaps especially difficult to accept in others: it is exercising the prerogative to decide to remain clandestine that also provokes outrage and suspicion. And perhaps this explains, in part, how seeking asylum is seemingly so easily linked with other threatening identities which rely on secrecy for their conditions of existence, such as criminals and even terrorists. As it is in the interests of the threatening to hide, it is pre-emptively justified to act against them, 'rout them out', to expose, to label and to identify such individuals. According to Birchall, as an unknown quantity, the secret is 'monstrous', but nonetheless important:

for it forces some crucial questions upon us about the way knowledge is presented (by others and by ourselves). The secret makes us ask not only what ideological uses revelation is put to, but also what status secret knowledge has, and what this might mean for how we decide what knowledge is in general. These questions are important because they are concerned with accountability – with what it is to be responsible in an age of secrecy. What, for example, does it mean to make a responsible decision when the knowledge that might help us to do so is kept secret from us? How can we know who is accountable when lines of responsibility are opaque? Who will decide what is and what is not legitimate, and how do we know that that decision is being made responsibly? What apparatus is available to bring to light and/or legitimize one kind of knowledge over another? What can or cannot be fully revealed? (Birchall 2006: 295)

For asylum seekers, being seen is no guarantor of safety or acceptance. Being seen merely serves the interests of the system to audit, label and process and to allow the possibility for a judgement to be passed. Being seen is to be before the law.

### **Sensationalist Stories in the Press**

In late 2002, the *Daily Mail* ran a story entitled, 'POLICE PROBE MYSTERY OF 100 MISSING SWANS'. (*Daily Mail*, 11th October 2002) This story voiced concern over an apparent decline in the Swan population in North East London, and included an unattributed Metropolitan police source speculating that 'the birds may be being slaughtered by Eastern European refugees for food'. Two days later, David Mellor's column in *the People* reproduced these ideas. In a tone of moral outrage, 'MAN OF THE PEOPLE: DON'T LET PC PLAGUE DESTROY OUR COUNTRY' it warned:

Political correctness prevented us turning bogus asylum seekers back the minute they arrived. Now riff-raff are bringing to our basically peaceful community the violent ways of the Balkans. Even our swans aren't safe. The number of these lovely birds on the River Lea in London has dropped from 130 to a handful because asylum seekers speared them for food. You couldn't make it up and wouldn't want to. (*The People*, 13th October 2002)

A further report in 2002, 'WILL NO ONE STOP THE SLAUGHTER OF SWANS? THE WAY IT IS', located the scenes of alleged swan killings by asylum seekers in Surrey and various other locations around the South East (*Daily Mail*, November 6th 2002). The story reappeared the following year in 'ASYLUM SEEKERS "EAT OUR SWANS"' (*Daily Star*, 8th April 2003), and throughout the summer of 2003, seemed to gain pace, with sensationalist headlines appearing across the right wing tabloid press, perhaps most notoriously the *Sun's* 4<sup>th</sup> July, 'SWAN BAKE'. The news hook of this story seems to have been that extraordinary events, deemed likely to provoke shock and outrage also fitted a familiar conflict narrative: the presence of asylum seekers as demonstrably problematic. The 'Swan Bake' story focused attention upon alleged differences in cultural values between asylum seekers and the British people. A disregard for the symbolic value of swans (the slaughter of which, as some reports noted, remains the privilege of the Queen in certain circumstances), as well as an appeal to a supposed respect and care for wildlife of the British people (and a reverence for swans in particular), placed asylum seekers not just on the side of wrong and barbarity, but also of assuming and abusing cultural privileges not even afforded to ordinary British citizens.

The swan story continued throughout July in various sections of the national and local press, and was supplemented by a second, similarly sensational story in the tabloid press in August, most notably: 'ASYLUM SEEKERS EAT OUR DONKEYS' (*Daily Star*, 21st August 2003) and, 'MISSING DONKEYS 'STOLEN TO BE EATEN' (*Daily Express*, 21st August 2003), which alleged that asylum seekers had stolen and killed donkeys which were used to give rides to children on Blackheath Common in South London. Yet, as early as July 5<sup>th</sup> 2003, reports were appearing that these stories were unfounded. For example, 'POLICE BAFFLED BY STORIES OF ASYLUM-SEEKERS BARBECUING THE QUEEN'S FOWL' indicated that no such investigation of asylum seekers in respect of 'swan upping' was underway by police, (*Independent*, 5th July 2003) and the criminal investigation of asylum seekers was similarly debunked within a week of its appearance, 'POLICE POOH-POOH STOLEN DONKEY TALE'

(*Community Care*, 28th August 2003) such that it seemed *in fact* that both stories were very likely to have been entirely fabricated.

However, while revelations about the soundness of the factual basis of these stories appeared alongside articles directly critical of tabloid practices in reporting in this area, the swan bake and donkey stories nonetheless continued to reverberate and make meaning, including explicitly within the press. In a story accusing Chinese asylum seekers of poaching Carp from British lakes in 2006, for example, the *Daily Star* reiterated its original swan claims, noting: 'This is not the first time asylum seekers have come under fire for eating wildlife. In 2003 asylum seekers were allegedly caught barbecuing the Queen's swans.' (*Daily Star*, 15th October 2006). An apparently 'new' swan story appeared in 2008 in the *Evening Standard*, 'MYSTERY OF 13 MUTILATED SWANS IN ROYAL PARK'. (*Evening Standard*, 31st January 2008) Contrary to the headline's suggestion of 'mystery', the article generally implies the swans were likely to have been injured by dogs uncontrolled by their owners. Yet it nonetheless concludes with a reiteration of the 'alleged' activities of asylum seekers, even though this had been discredited, subjected to Press Complaints Commission (PCC) investigation and in relation to which an apology had been printed in *the Sun* five years previously:

In 2003, Scotland Yard launched an investigation into claims that the Queen's swans were being stolen by gangs of asylum-seekers who cooked and ate them.

An official Met report said the eastern European poachers were luring the birds into baited traps. (*Evening Standard*, 31st January 2008)

More obliquely, references to the swan story have continued to appear in the press and elsewhere in public discourse concerned with journalistic practices or questions concerning immigration and asylum, policy or attitudes towards cultural 'otherness' and British national identity. For example, as recently as November 2009, columnist Mary Riddell writing about Gordon Brown's concern to shore up his political position and secure political ground from the British National Party in advance of the 2010 General Election notes:

Claims that European migrants "take our jobs", swell our crime figures and eat our swans do not withstand scrutiny. In any case, large numbers of such incomers - who have boosted the economy rather than leeches off it - are now heading home. Their departure makes the doomsday scenario of a population due to hit 70 million by 2029 look ever shakier. (*Daily Telegraph*, 10th November 2009)

## Chapter 5: Controlling the Crisis: Asylum Detention

### Introduction

*Information does not merely exist; it demands (immediate) attention. Ignoring information which is made available is reckoned to be either misjudged or wilful. Information is practical and technical in its form and performative in its function. Information is never merely scientific data, if by scientific data we mean sets of numbers and facts about the natural or social world which have been abstracted from their specific conditions of production and reception. The very concept of information implies a reader who should be informed. It is a moral as well as a technical concept. (Barry 2001: 153)*

In May 2008, the UK Border Agency announced proposals for a substantial increase in the scale of the immigration detention estate with up to 60% more places for detainees to be made available. At the last official count presented as part of the government's official statistical bulletin on immigration, 2,095 persons were being detained solely under Immigration Act powers in the UK: 'Of these, 1,455 persons (69 per cent) were recorded as having sought asylum at some stage.' (ONS 2008: 33)<sup>74</sup> There are currently, just under 3000 places for immigration detainees in eleven dedicated detention centres in the UK. (UKBA 2009)<sup>75</sup>

A different set of statistics, and rather more difficult to obtain, show that between 2002 and 2007, fifteen people committed suicide in immigration detention centres in the UK. (Athwal and Bourne 2007: 176) According to information obtained under the Freedom of Information Act 2000 and compiled by the National Coalition of Anti-Deportation Campaigns (NCADC), every 2.3 days on average in 2007, an immigration detainee in the UK self-harmed in a manner which required medical treatment. (NCADC 2008)

This chapter examines the subject of asylum detention in Britain and the politics of its justificatory discourses. The analysis focuses upon New Labour policy on asylum detention

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<sup>74</sup> These figures are dated to 29th December 2007, and exclude immigrants detained in Prison Service establishments.

<sup>75</sup> There are approximately 2940 spaces according to the UK Border Agency. It is not possible to provide a precise figure because 'family spaces' are not specified in the entry for Tinsley House detention centre.



post September 11<sup>th</sup> during the period of the so called 'war on terror', examining the content of official government documents affecting asylum and immigration, such as major white papers and Acts of Parliament, as well as the research reports of non-governmental organisations (NGOs) advocating both pro- and anti- asylum politics. The chapter highlights a marked shift in policy discourse after the introduction of the Immigration and Asylum Act in 1999, a change, which I argue, drawing on the work of Michel Foucault, is important to analyse as a 'history of the present'. (Burchell, Gordon et al. 1991; Foucault 1991a) It is not an archival history of immigration and asylum law which is of primary interest here, but rather an argument about the exercise of governmental power, its conditions of possibility, functions and technologies, both restrictive and productive. Governmental power in the Foucauldian sense is not reducible to that exercised by the State, or to that which is exercised by people. Taking an irreductionist view of government recognises that, 'Government does not rely just on the conduct and properties of persons, but on the actions of a whole array of technical objects.' (Barry 2001: 175) The chapter explores how technologies supporting a disciplinary and securitising apparatus designed to control the population and in particular to segregate asylum seekers economically, legally and physically from the population at large, have proliferated and their effects intensified. According to Burchell,

As a historian of *truth*, the historian of the present knows that what at any given moment we are enjoined to think it is necessary to think, do and be, does not exhaust all the possibilities of existence or fix once and for all the limits of thought. Moreover, it is not a matter of indifference that, at any given moment, this, rather than some other form of existence prevails. After all, the historian's starting point is the non-necessity of what passes for necessary in our present. Historians of the present therefore have a concern for the *selectivity* of what exists as a covering over of what might exist. This gives genealogical analyses a kind of diagnostic value in the sense that, by plotting the historically contingent limits of present thought and action, attention is drawn to what might be called the costs of these limits: *what does it cost existence for its truth to be produced and affirmed in this way?* What is imposed on existence when our goldfish bowl is given this shape? What sorts of relationships with ourselves, others and the world does this way of speaking the truth presuppose, make possible and exclude? What other possibilities of existence are necessarily excluded, condemned, constrained, etc.? (Burchell 1996: 33)

In the immediate aftermath of September 11<sup>th</sup> 2001, further spurred in the wake of subsequent acts of terrorism, anti-terrorism measures and intense publicity surrounding figures associated with terrorist activities, questions about the legitimacy of the

technologies of management and control of asylum have been subsumed by an overdetermining logic of security. Securitising technologies of control, of which immigration and asylum discourse forms a part, are resonant with Michel Foucault's late 1970s work on the overlapping paradigms of disciplinary and securitising power.

In earlier chapters, I argued that the disciplinary and securitising discourses surrounding asylum have produced the asylum seeker as an object of legitimate suspicion. I have suggested that asylum control has been linked with the containment of terrorism within mainstream media and political discourse, whilst the identity of 'the asylum seeker' has been linked with that of 'the potential terrorist'. In focusing on asylum and immigration detention in this chapter I intended to further substantiate this claim, presenting a detailed exploration of asylum control measures, and particularly asylum detention, as one dynamic through which this discursive articulation has been mediated.

But as with all discourses, that which surrounds asylum detention can be subject to, and indeed has been the object of, political struggle. In explaining these struggles discursively it is not my intention to marginalise, but rather to better understand the materiality of their processes and their concrete effects. The conditions of possibility and consequences of dominant and counter discourses surrounding asylum detention are usefully explained through an engagement with the discourse theory of Laclau and Mouffe. (Laclau and Mouffe 1985; Laclau 1990; Laclau 1996a; Mouffe 2005; Mouffe 2005 [1993]; Laclau 2006)

### **Asylum Detention as a Symbolic practice**

In analysing asylum detention as a technology of control, I also want to examine how the very institution and existence of detention centres has contributed to the production of an 'asylum crisis'. The policy arena, including government proposals, acts of Parliament and political speeches have sanctioned, debated and justified the construction of an immigration detention estate in the UK. As such, they represent a key object of investigation within this chapter as a discursive site.

However, it is not solely the justificatory discourses which surround asylum detention, which serve as important signifying practices. The very physical existence of detention

centres and the practices and processes of detention also constitute an important way in which asylum seekers are signified as socially threatening in media and political discourse. Accepting, with Laclau and Mouffe, that 'there is no non-discursive terrain' means that other, concrete or material elements can be recognised as signifiers or mediators of cultural or political ideas. (Laclau and Mouffe 1985) Asylum detention is not merely a 'stand-alone' policy in practice, but rather one that produces meaning, for example, by positioning asylum seekers as people whom Britain *requires* to be detained, for whatever reasons or justifications provided by the British state.

Asylum detention policy is of central importance in analysing how and why a control culture surrounding asylum has become naturalised. However, it is the 'penalisation' of the asylum system through the existence of detention centre places, and routine incarceration of refused asylum seekers (and others categorised as likely to be refused, the so called 'fast track' cases), as immigration detainees, which also reinforces the image that asylum seekers are transgressors of the law, potentially threatening individuals or groups whom it is logical to contain. The articulation of asylum in the so called 'foreign prisoners deportation row' in the summer of 2006, provides a very good example of the ease with which criminal associations with asylum have been drawn. (Gross, Moore et al. 2007)

In an Althusserian sense, it might be argued that immigration detention centres are basically repressive state apparatus, but which also serve this ideological function as devices of the law. (Althusser 1971) They serve as an internal limit or periphery, through which the power is exercised in a policing or anti-political function. (Rancière 2006) On the other hand, the existence of immigration detention centres and the practice of detaining asylum seekers are not by any means uncontested. Acts of protest by asylum detainees and their supporters, as well as by anti-asylum groups have also been a feature of asylum detention politics, which, as I will argue, constitute significant signifying practices.

### **Historical Context of Asylum Detention in Britain**

The 'asylum detention centre' in Britain is a relatively new object of political debate, although the detention of immigrants has occurred for a number of years with provision for their detention enshrined into British law by the Immigration Act of 1971. However, as

argued in the previous chapter, since the early 1990s, public concern about 'the asylum issue' has gained momentum, with successive legislation, new initiatives and sustained media attention potentially combining to signify perceived failures and problems with the asylum system. Restrictive policy measures to redress these supposed systemic failures (including detention, but also the dispersal and deportation and other technologies of surveillance of asylum seekers) have, as Bloch and Schuster note, 'normalized' certain controls and practices that previously 'tended to be used in response to particular events or "crises" such as wartime concerns over alien "spies" or the arrival of a significant number of refugees fleeing conflict or political upheavals, such as the Vietnamese refugees in the 1970s.' (Bloch and Schuster 2005b: 491) The 'routinisation' of the use of control measures such as detention, previously instituted temporarily in response to 'exceptional' circumstances, serves to reinforce associations between asylum and 'crisis'.

From the 1990s successive Acts of Parliament in the area of immigration and asylum have increasingly tightened national border controls and effectively closed down legal and 'legitimate' avenues of arrival and entry to the UK for people seeking asylum.<sup>76</sup> These measures, as others have noted, have subjected asylum seekers to procedures which, 'effectively classify them as criminals' since it is virtually impossible to arrive in Britain legally as an asylum seeker. (Flynn 2003; Moses 2006; Cohen 2006b) Within the dominant articulation of 'the asylum issue', it is not politicians but rather asylum seekers themselves who are often cast as the responsible party for the constitution of an 'asylum crisis'. This image of culpability is conveniently served by the demonised representations of asylum seekers as 'bogus' or 'illegitimate', typically endeavouring to cheat or exploit the system, and moreover, at least potentially violently dangerous criminals (or even terrorists) who are intent on taking advantage of 'our' goodwill, national benevolence and instinctively generous culture and traditions. Couched in the language of 'tolerance', a mythical category of 'genuine' asylum seekers whose rights deserve to be protected and upheld are heralded,

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<sup>76</sup> These are: Asylum and Immigration Appeals Act 1993, Asylum and Immigration Act 1996, Special Immigration Appeals Commission Act 1997, Immigration and Asylum Act 1999, Nationality, Immigration and Asylum Act 2002, Asylum and Immigration (Treatment of Claimants, etc) Act 2004, Immigration, Asylum and Nationality Act 2006, UK Borders Act 2007. In addition, in January 2009 the Borders, Immigration and Citizenship Bill 2009 was published and is currently due to be considered by Parliament.

in relation to which the 'illegitimacy' of the majority of asylum seekers are to be more clearly revealed. (Bloomaert and Verschueren 1998) As such, asylum seekers are always already to some extent, constructed as being present in Britain 'illegally' and are thus readily classifiable as 'bogus' or transgressive characters.

The rise of 'Fortress Europe' has coincided with the political and economic integration of EU nation states and, in particular, measures concerned with relaxing border controls between EU members. The Schengen agreement (1985)<sup>77</sup> allowed for the abolition of internal borders between member states of the European Union (as well as Iceland, Norway and Switzerland), but also the harmonisation of external border controls and increased cross-border cooperation between the law and order agencies of participating countries. In May 2000, The UK and Republic of Ireland signed up to only those elements of Schengen which involved cross border police cooperation, opting out of the part of the agreement concerned with dismantling border controls. Schengen (and subsequently the Dublin Conventions)<sup>78</sup> have precipitated a raft of new policy measures designed to ensure that asylum seekers cannot benefit from the relaxations of the internal border regime. Technologies designed to control the perimeters of the EU have been intensified, in efforts to deter asylum claims and to render it even more difficult for asylum seekers to enter the Schengen area or to remain if their claims are refused. As Gibney notes, Schengen for EU states, 'represented a way of dealing with asylum flows through collective action'. (Gibney 2004: 101) Joly et al. similarly argue that in the area of asylum 'the main purpose of the harmonization attempts by the EU seems to have been to uniformly increase restrictions'.

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77 The 1985 signatories included, Belgium, France, West Germany, Luxembourg, Netherlands. The remaining EU member states, plus Norway, Iceland and Switzerland have signed in subsequent years.

78 The Dublin Convention (June 1990) has the purpose of deciding which EU state is responsible for dealing with an asylum claim. It has subsequently been updated through the introduction of a number of EU Instruments (the latest being Council Regulation (EC) No 343/2003, known as 'Dublin II'), in order to further clarify 'the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national'. The Convention is supposed to prevent a situation in which responsibility for dealing with an asylum claim is passed on from one EU state to another, and also to prevent asylum seekers from filing a claim in more than one state. Subsequently, measures to standardise the evidence required in making decisions on where an asylum claim have been introduced. This includes, for example, the regulation adopted by the Council of Europe on 11 December 2000 (Regulation (EC) No 2725/2000), concerning the establishment of "Eurodac" – a central database of fingerprints of all asylum seekers for the purposes of cross checking claims and upholding the Dublin Convention.

(Joly, Kelly et al. 1997: 22) Indeed, it is often with reference to such measures that the term 'Fortress Europe' is invoked.

Whilst the labelling of asylum seekers as 'bogus' captures the ready suspicion under which they have been held, as discussed in the previous chapter, we might view the introduction of successive legislation as signifying that the asylum system is continually under pressure in trying to deal with an asylum seeker 'problem'. Together, these factors have contributed to the rationale informing the dominant discourse on asylum in Britain, supporting the increasing use of draconian measures for the restriction and containment of asylum seekers through technologies of control including the use of detention.

### **Rationales for Asylum Detention: Official and non-Official**

In policy documents and speeches, government ministers have insisted that detention serves the purposes of preventing 'failed' asylum seekers from 'absconding' and to better facilitate their removal from the country. It is a mechanism which is also intended to enhance the efficiency of the system, facilitating the processing of so called 'fast track' cases (cases that are pre-judged because of the country of origin of the asylum seeker, or other circumstances surrounding their arrival in the UK classified as a trigger for fast track processing). According to evidence provided by the Home Office to the House of Lords Joint Committee on Human Rights in 2007:

...immigration detention is used to prevent unauthorised entry into the UK or when action is being taken with a view to removal or deportation from the UK. Detention may for example be appropriate in the following circumstances: where a person's identity and basis of claim are being decided; where there are reasonable grounds for believing that a person will fail to comply with the conditions of temporary admission or release; to effect removal; and for applicants whose asylum claim appears to be capable of being decided quickly as part of a fast-track process. Decisions to detain are made on a case by case basis taking into account the particular circumstances of the individual. (HMSO 2007b: 70)

However, as non-governmental organisations (NGOs) and asylum seeker advocacy groups have argued, government policy on asylum detention has often been somewhat contradictory and their own guidelines have often not been followed. (Bail for Immigration Detainees (BID) 2002) These observations have been supported in ethnographic and other qualitative empirical studies conducted with immigration officials. For example, Joly et al.

identify detention as a 'deterrence measure' used by a number of European countries to discourage the arrival of people seeking asylum. (Joly, Kelly et al. 1997) Also, decisions on whether or not to detain asylum seekers have been demonstrated to be rather arbitrary, seen sometimes, for example, as a means by which to deter would be asylum applicants, rather than a means to improve the efficiency of the system. (Weber and Gelsthorpe 2000; Weber and Landman 2002) Even when following official guidelines, the practice of 'preventive detention', as Weber notes, bears connotations of criminality – a pre-emptive action to avert activities potentially damaging or threatening to the general population. (Weber and Gelsthorpe 2000; Weber 2005)

### Decisions to Detain

Immigration officers have routinely made decisions to detain asylum seekers on the basis that a clearly 'unfounded' claim has been advanced, in the absence of substantive evidence to support suspicions in particular cases. (Weber and Gelsthorpe 2000; Weber 2002; Weber and Landman 2002) Whilst this is, in part, due to the 'fast track' policy aimed at asylum seekers who are deemed to herald from supposedly 'safe' countries, when refused asylum claims reach the end of the appeals process, a heightened danger that asylum seekers might 'abscond' is thought to exist.<sup>79</sup> In detention, those who are deemed not to 'belong' and have no 'legitimate' asylum status, it is argued can be more easily removed from the country.

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<sup>79</sup> Reintroduced in 2002 (after its suspension in 1999) as part of part 5 of the Nationality, Immigration and Asylum Act, a highly controversial list of 'safe countries', known as the 'white list' informs the decisions of immigration officers to detain asylum seekers at ports of entry. For all countries included on the white list, it is to be assumed that: '(a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and (b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention'. (2003). Dublin II Council Regulation

, Official Journal of the European Union. **L 50/1**. The white list currently includes the following non-EU countries: [added in 2003]: Albania, Serbia, Montenegro, Jamaica, Macedonia, Moldova, Bolivia, Brazil, Ecuador, Sri Lanka, South Africa, and Ukraine; [added in 2005]: India, Mongolia, Ghana (in respect of men), Nigeria (in respect of men); [added in 2007]: Bosnia-Herzegovina, Gambia (in respect of men), Kenya (in respect of men), Liberia (in respect of men), Malawi (in respect of men), Mali (in respect of men), Mauritius, Montenegro, Peru, Serbia, Sierra Leone (in respect of men); the latest update in 2010 adds Kosovo and South Korea to the list. Office of Public Sector Information [OPSI] (2003a). The Asylum (Designated States) Order 2003. 970. H. Office. London, Office of Public Sector Information [OPSI] (2003b). The Asylum (Designated States) (No. 2) Order 2003. H. Office. London. **1919**, Office of Public Sector Information [OPSI] (2005). The Asylum (Designated States) (No. 2) Order 2005. H. Office. London, Office of Public Sector Information [OPSI] (2007). The Asylum (Designated States) Order 2007. H. Office. London, Office of Public Sector Information [OPSI] (2010). The Asylum (Designated States) Order 2010. H. Office. London, OPSI.

The official rationale for the present policy regime of detaining asylum seekers is largely dependent upon the flawed 'common sense' which informs its procedural decision-making. (Jackson 2003; Schuster 2005a; ICAR 2007) But the routinised processes of detention are also meaningful beyond the context of particular cases.

According to a recent report of the UK Border Agency, classified within a webpage entitled, 'Public performance target (removal of failed asylum seekers)', 'Public protection is our number one priority and we are determined to remove those with no right to remain in the UK, starting with the most harmful first.' (UKBA 2008b: 1) Public accountability is demonstrated through the production of quite bizarre performance statistics. For example, another report in the same section of the UK Border Agency website entitled, 'Public performance target: removing more failed asylum seekers than new anticipated unfounded applications' not only assumes the logic of *a priori* illegitimacy of asylum seekers deemed to be 'white list' applicants, but also predicts the number of such applicants likely to be rejected, 'based on recent rates for grants at initial decision, the proportion of those refused that appeal, and the proportion allowed at appeal.' (UKBA 2008b: 1) The methodology of calculating such a probability is tautological, re-articulating the existing internal logic of the existing system as the terms upon which its worth might be measured. Public accountability here has very little to do with the extent to which, for example, the UK state lives up to its humanitarian obligations under international law, or any other measure external to the system itself. Rather, paramount here is the integrity of the system. Its efficiency may be variable and the system inviolable, and yet it must be continuously protected from abuse. Refused asylum seekers who disappear from the view of the authorities would undermine the efficiency of the system, so this is averted by detaining refused asylum seekers, and those who are likely to be refused. The next step for refused asylum seekers in detention is their removal from the country.

### **Defending the system**

As noted in the previous chapter, one can observe strong parallels between the 'mugging crisis' investigated in Hall et al.'s (1978) *Policing the Crisis* and the present 'crisis' surrounding asylum in Britain. (Hall, Critcher et al. 1978) This is especially the case because 'the asylum issue' is thematically linked to a legacy of hostility towards earlier waves of



immigration from the New Commonwealth, concerns about law and order and social stability. Phillips, for example, notes that since legal routes of immigration were effectively shut down, refugees have become 'the new target' in debates around themes such as, belonging and nationality, ethnicity and xenophobia. (Phillips 1997: 3) Sociologist Leanne Weber has also noted the parallel, arguing that as the emotive label of 'mugging' reinforced the idea that a 'new danger' should be associated with a 'newly arrived' part of the population during the 1970s, the expression, 'bogus asylum seekers' operates as an evocative signifier of threat in the contemporary context. (Weber and Landman 2002)

Couched in the terms of national security, any failure to tackle the task to which politicians have pledged themselves approximates to a failure to defend the nation, either through instituting or making existing measures work in order to contain or abate the 'asylum crisis'. With such high stakes, policy failures in the area of asylum and immigration become, by their very definition, 'crises'. The necessity to contain and tackle the asylum crisis is also a case of 'defending the nation'. As such, 'the asylum issue' as a discursive construct, has become synonymous with the introduction of ever more stringent measures to hinder the arrival of asylum seekers to Britain; to restrict their liberties once in the country; and to deport them from British territory if their claims are unsuccessful. Furthermore, as media scholars have noted, a very negative, sedimented discourse on asylum is largely reproduced in the news media, such that even passing mentions of asylum within news reports adds news value to a story, signifying the problematic, and caught up in a web of inter-related news narratives concerned with real or perceived threats to the security and stability of the country. (Gross, Moore et al. 2007)

### **Detention's Technological Alternatives**

Detention is not the only method through which asylum seekers are controlled and their liberties curtailed. Other practices, such as the rituals of regularly reporting to immigration officials, prohibitions on paid employment for newly arrived asylum seekers, and deportation are constituents of the repressive apparatus and control culture surrounding asylum.

Electronic tagging is used to monitor and control the movements of an asylum seeker awaiting removal, but also signifies the supposed threat posed to law abiding British citizens by asylum seekers who might potentially 'abscond'. Technologies of surveillance and control, such as the detention or electronic tagging of asylum seekers signify that there is a need for the physical restraint and segregation of this category of human beings from the mainstream population. In a 1998 written answer in a House of Lords debate, Lord Williams of Mostyn discussed a proposal to conduct a trial tagging of asylum seekers as an alternative to immigration detention:

We are following with interest the pilot schemes for the use of electronic tagging within the criminal justice system and will, in due course, consider whether a similar system would be beneficial to the Immigration Service. (Lord Williams of Mostyn 1998)

Explicitly understood as security measures associated with a criminal paradigm, the deployment of such technologies of control within the asylum system clearly paints an image of asylum seekers analogous to that of criminals: criminal punishment and asylum controls are of the same kind. (Ajana 2005; Webber 2006; Bosworth and Guild 2008) However, there is no essential quality of electronic tags as objects, which necessarily determines their meaning to be closely associated with criminality. Indeed, following Laclau and Mouffe, the meaning of electronic tagging remains indeterminate outside of any articulation within a discourse. (Laclau and Mouffe 1985) So, for example, if, in other circumstances a government were to deem it necessary that all citizens be electronically tagged for their own security, the tagging might come to represent a symbol of cultural belonging rather than one of exclusion. The meaning of the practice 'electronic tagging' is contingent, as is that of detention: both measures are articulated within particular discourses that are hegemonically constituted and therefore, arguably, inherently unstable.

### **Detention Centres as Zones of Indistinction**

On the other hand, however, in recent years, the rule of law has been gradually supplanted by administrative measures in the area of asylum and immigration controls. Although ostensibly high on the political agenda, asylum politics is arguably almost non-existent as an object of political disagreement at the level of formal national politics. Indeed, as Gibney notes, the policies of New Labour and the Conservatives on asylum have been largely

indistinguishable in terms of ethical perspective or substance. Instead, their positions since 1997 have been separated only by the rhetorical nuance and charges of political or bureaucratic inefficiencies or mismanagement:

Seizing the opportunity to find an issue that could place a wedge between the Labour government and his own Conservative opposition, William Hague and his shadow Home Secretary, Ann Widdecombe, accused the government of being “too soft” on the asylum issue. In a speech entitled “Common Sense for Asylum Seekers”, Hague lambasted the government’s failures in asylum policy and in particular large processing backlogs and a general failure to deport unsuccessful asylum applicants. The Tory leader announced that the “next Conservative Government [would] detain all new applicants for asylum, whether port applicants or in-country applicants, in reception centres until their cases had been determined”. (Gibney 2004: 125-6)

Far from adversarial, the Conservative political opposition here to the government’s asylum policies, including that on detention, are little more than critiques of government performance. The Conservatives merely promise to implement the same policies with what they present as a more efficient approach. There is largely a political consensus that an ‘asylum crisis’ exists which needs to be ‘tackled’. It is merely procedures which need to be adjusted. The performance of political debate is, in effect, anti-political where what is at stake is the manner of policing rather than a matter of policy. Indeed, the area of asylum detention provides a good example of what Žižek calls ‘para-legal biopolitics’. (Žižek 2002: 106)

According to Foucault, biopolitics refers to a politics of modern society in which the substance of human life itself and of natural or biological existence is a central concern – a political development which can be historically situated at the ‘threshold’ of modernity and which facilitated the rise of capitalism during the eighteenth century:

for millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question. (Foucault 1984: 143)

Citing this passage in *Homo Sacer*, Giorgio Agamben critiques Foucault’s historical location of the biopolitical with modernity, arguing instead that the exercise of power upon life constitutes a foundational structural moment of sovereign power: ‘In Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men’. (Agamben 1998: 7) For Agamben, ‘There is politics because man is the living being who, in

language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion.’ (Agamben 1998: 8)

Biopower and sovereignty (‘juridico-institutional’ power) are joined in that ‘the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power.*’ (Agamben 1998: 6) What is novel about this relationship in modern democracies, Agamben contends, is the manner in which it is revealed – how that which was originally excluded from politics (bare life) and which also founds the law, has now become the norm:

the decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life – which is originally situated at the margins of the political order – gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoë*, right and fact, enter into a zone of irreducible indistinction. At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. When its borders begin to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conflicts of the political order, the one place for both the organization of State power and emancipation from it. (Agamben 1998: 9)

From this perspective, it becomes even more essential to the continuation of the political system to differentiate and separate asylum seekers from the mainstream population in a relation of exception: ‘an extreme form of relation by which something is included solely through its exclusion’. (Agamben 1998: 18; Agamben 2005)

This discursive connection between asylum seekers and the threat of social disorder was highlighted by David Blunkett’s ‘swamping’ comments in April 2002 regarding the education of asylum seeking children in mainstream schools. (*BBC News Online*, 25th April 2002) The connotations of this with Margaret Thatcher’s 1978 *World in Action* assertion about immigration that ‘people might be rather afraid that they might be rather swamped by people of another culture’ are striking. (Thatcher 1978) The ‘swamping’ trope, in signifying official ‘understanding’ about the fear of newcomers, legitimates and corroborates the notion of the general threat that they might pose. Of course, Thatcher’s rhetoric also

rearticulates the populist politics of Enoch Powell, notoriously expressed in his 1968, *Rivers of Blood* speech as discussed in chapter four – a postcolonial discursive legacy which aptly demonstrates the intertextuality of contemporary asylum discourse.

### **Theorising Asylum Detention: Biopolitics and Exclusion from the Political**

Technologies of control serve to differentiate and distance asylum seekers from the mainstream population, but also reproduce the discourse which positions asylum seekers as ‘a threat’ and asylum as a problematic policy issue. ‘The asylum issue’ is produced retroactively by the apparatus of control ostensibly instituted to discipline it.

The heated debates surrounding indeterminate or extensive terms of detention in Britain without trial in the area of counter terrorism called into question the position of individuals before the law and the question of human rights. Yet important parallels remain to be explored between the detention of suspected terrorists under the terms of the Terrorism Act 2000 and that of failed asylum seekers in the UK. (HMSO 2000) Although grassroots campaigners endeavour to promote asylum detention as a political issue, the growing immigration detention estate and routine practices of detaining particular categories of asylum seeker have been instituted with comparatively little publicity or political opposition to that which, for example, greeted government proposals to extend detention without charge for terrorism suspects.<sup>80</sup>

### **The Politics of Asylum detention**

In exploring how asylum detention centres have been articulated within an increasingly draconian asylum discourse, I will refer in my analysis to a series of substantial government

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<sup>80</sup> The period of pre-charge detention has been extended several times by Acts of Parliament. The Terrorism Act 2000 increased the period from forty-eight hours to seven days. Post September 11th 2001, this was increased again to fourteen days by the Criminal Justice Act 2003 and then again to twenty-eight days by the Terrorism Act 2006. Intense controversy met the 2005 Terrorism Bill, introduced in the wake of the July 7th London bombings and its proposals to extend powers to detain without charge to between 14 and 90 days. 28 days was passed by amendment as a compromise. In 2007, proposals were again mooted to increase the period allowed to 48 days, and these were included in the Counter Terrorism Bill 2008 and initially passed by the House of Commons, although a vote opposing them in the House of Lords in October 2008 led to their being dropped from the Bill. Currently it remains that terrorism suspects can be held in detention without charge for 28 days. (2007). SMITH PLANS 42-DAY TERROR LIMIT. [BBC News Online](#). London, BBC. HMSO (2008). Counter Terrorism Act. UK, Home Office.

white papers on asylum and security, beginning with *Faster, Fairer and Firmer: A Modern Approach to Immigration and Asylum* (HMSO 1998) and, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (HMSO 2002a), as well as the speeches of government and opposition politicians on asylum matters. In my analysis of the discourses about asylum expressed within these documents, I will identify an important shift in asylum discourse between their publication dates. (Moore 2005) This shift can be characterised, in general terms, as a movement away from an (albeit limited) concern with 'human rights' and towards the habitual association of asylum with national security concerns.

This is a shift that has contributed to a developing 'common sense' tension posited between civil liberties concerns and the need to 'defend the nation'. In the pursuit of more restrictive immigration legislation, civil liberties and human rights have been represented as if they were inevitably antagonistic to 'the national security interest'. This is a discourse that presupposes that the enjoyment of civil rights and freedoms, (such as for example, the right to a due legal process in order to justify the denial of liberty through detention), exposes fundamental weaknesses in the security of the body politic. Civil libertarians' naivety, it is implied, is laid bare in light of the specialist knowledges of the national intelligence security agencies and privileged perspectives of the police. These agencies are privy to special forms of information (such as security briefings, and counter terrorism strategies) which are not necessarily publicly available. The rational conduct of these well informed agents of the state compares starkly with the 'reckless excesses' of a minority liberal elite (including 'out of step' Law Lords whose supposed traditionalism challenges the will of their 'more enlightened' democratically elected colleagues), who blindly insist upon resisting, or proposing curtailments to measures designed to uphold 'national security' and the social order.

A distinct shift towards this official position has occurred since the publication of *Fairer, Faster, Firmer* in 1998, which delineated the criteria by which Immigration Act powers for detention could be exercised. In focusing upon a perceived 'procedural crisis' in the asylum system, the 1998 white paper did set out a more explicit role for asylum detention than had previously been proposed. However, this was coupled with a stance that most asylum

seekers should not be detained and that a presumption 'in favour of granting temporary admission or release' should be exercised in judging all cases. (HMSO 1998: para.12.3) This reflected a position whereby the New Labour government still presented its asylum politics as consistent, in general terms, with international human rights law. Indeed, during the same year, the *European Convention for the Protection of Human Rights and Fundamental Freedoms* was also incorporated within British law by the Human Rights Act 1998.

*Fairer, Faster, Firmer* proposed a 'covenant' with asylum seekers which pledged to 'protect genuine refugees by scrupulous application of the 1951 Convention' in return for asylum seekers' complicity with the system. (HMSO 1998: para.8.5) A positing of asylum within the idea of a social contract of 'mutual responsibility' therefore articulated some measure of universal 'human rights' within asylum discourse, in spite of the increasingly 'firm' measures that were also being proposed to improve the 'efficiency' of the system. The 'covenant' is also important, I would contend in respect of how it positions asylum seekers in relation to the law and rights discourse. Here, it would seem that whilst asylum seekers are clearly denied full political recognition as *Homo Sacer* in Agamben's terms, neither are they abandoned to bare life. However limited or qualified the construction, through the human rights-responsibility covenant in *Fairer, Faster Firmer*, asylum seekers are seemingly interpellated as subjects before the law.

However, following *Fairer, Faster, Firmer* and its subsequent legislation in the form of the Immigration and Asylum Act 1999, a chronic discontent with aspects of the asylum system began to issue even more deeply from various political quarters. The legislation itself initiated a high profile debate concerned with asylum seeker welfare under its new 'dispersal scheme'. The dispersal policy proposed the housing of asylum seekers away from London and the South East of England in surplus housing stock. As this was largely available in economically deprived locations, the policy was seen as carrying potential to lead to social unrest and racial tensions, and was also criticised for its chaotic introduction.<sup>81</sup> The

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<sup>81</sup> The original locations for asylum seeker dispersal were Glasgow, Greater Manchester, Liverpool, Newcastle, Birmingham, Bradford, Hull, Sunderland, Leeds, Nottingham, Coventry, and Plymouth. The implementation of the policy was particularly controversial in Glasgow, where the City Council were accused of inflaming tensions

dispersal system was, coupled with a 'voucher system' of welfare payments, a manoeuvre that was claimed to stigmatise local communities and increase resentment of the asylum seeker presence within them. (Bloch and Schuster 2005a)

The perceived political failure of the dispersal scheme at this time, pervaded by the image of deprived communities erupting in racist hostility, was brought to a climax by the fatal stabbing of Kurdish asylum seeker, Firzat Dag on 4<sup>th</sup> August 2001 at the Sighthill Estate in Glasgow. According to Coole:

The media coverage of the Glasgow murder elicited a contrasting view of asylum seekers, as the press re-focused the negativity that they had previously addressed at them, back on to the host community, which they then painted as unproblematically racist. The tables had turned; journalists were now sympathetic to the plight of asylum seekers as lost souls seeking refuge in a civilized and compassionate country. The locals in Glasgow's Sighthill were depicted as racist and hostile to asylum seekers, and were even blamed for creating an antagonistic atmosphere in which violence towards asylum seekers could thrive. (Coole 2002: 839)

Nonetheless, this event violently symbolised the social tensions associated with dispersal, and whilst perhaps it provoked a more ambivalent or contradictory discourse about asylum seekers (invoking sympathy rather than merely hostility in some sections of the media), it was represented in the media as an intensification of an 'asylum crisis'.

In addition, the relative high profile of the extreme-right British National Party in debates on asylum surrounding the May 2000 local council elections, and during the run up to the 2001 general election stimulated mainstream political parties to adopt a 'tougher than thou' stance on asylum. Their insistence that the debate on such a serious issue should not be abandoned to 'the extremists' arguably conflated absence of a debate with a transformative political strategy adopting viewpoints associated with populist concerns articulated by the far-right as legitimate concerns of ordinary people. Whilst the two main political parties had done seemingly little other than talk about immigration and asylum, a myth of an asylum taboo began to emerge. Against this, both Labour and Conservative politicians spoke of the

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by situating asylum seekers in deprived areas of the city, in particular the Sighthill Estate.(2000). CITY'S ASYLUM POLICY ATTACKED. [BBC News Online](#). London, BBC.



need to manage a 'responsible' debate about the issues, positioning those who would oppose their policies as illiberal and fuelling the cause of the BNP.

This bizarre logic, asserting that hostile draconian proposals problematising asylum are preferably expressed by 'responsible' politicians, continued as controversy surrounding the control of asylum seekers developed throughout 2001, as many attempted to cross the channel to Britain from the Red Cross camp at Sangatte, northern France. As outlined in the previous chapter, the Sangatte issue also served to encourage a frenzied debate about the security of British borders, with images of young men mounting fences in repeated attempts to slip past the authorities into the channel tunnel or onto vehicles bound for Dover. (Buchanan, Grillo et al. 2003) As Britain, and especially Kent, was presented as potentially under siege from an endless supply of clandestine migrants determined to reach British shores in order to claim asylum, a new, apparently acceptable voice of anti-immigration sentiment, Sir Andrew Green's pressure group *MigrationWatch*, emerged in October 2001. As argued in the previous chapter, the extensive media penetration of *MigrationWatch* also served to exacerbate negative representations, especially in the national press.

### **A New Cultural Context Post 9.11?**

The new context provided by the terrorist attacks of 11<sup>th</sup> September 2001 and concerns surrounding intelligence about the identities and activities of foreign nationals, arguably combined with these issues to provide a new national regional and international political force behind the demand for 'tough' measures to 'protect' the system of asylum and immigration from 'abuse'. Measures associating the control of borders with the containment of a terrorist threat had already been enacted prior to the September 11 attacks in the Terrorism Act 2000, and further legislation followed with the Anti-Terrorism, Crime and Security Act 2001.

#### *Secure Borders, Safe Haven*

Indeed, these expressions of a threat to the social order were part of an important shift in asylum discourse leading towards a greater focus on detention as a means of managing the

'asylum crisis'. By 2002 and the publication of the white paper, *Secure Borders, Safe Haven*, the articulation of an (albeit limited) concern for the rights of asylum seekers in official discourse, (as had been stated in the 'covenant' of *Fairer, Faster, Firmer*) had been displaced.

Instead, an emphasis upon a 'seamless' process aiming at ensuring the 'end to end credibility' of the system materialised. (HMSO 2002a: 13) A key part of the 2002 white paper outlined plans to introduce reception and accommodation centres and to further expand the detention estate. This new regime was intended to restrict the liberties of asylum seekers as a *necessary* step in 'securing' the confidence and 'social cohesion' of Britain by, literally, containing the threatening 'other'.

*Secure Borders, Safe Haven* implies that an antagonistic relationship exists between the idea of a cohesive British identity and the principle of asylum. In his foreword to the white paper, David Blunkett asserts:

Confidence, security and trust make all the difference in enabling a safe haven to be offered to those coming to the UK. To enable integration to take place, and to value the diversity it brings, we need to be secure within our sense of belonging and identity and therefore to be able to reach out and to embrace those who come to the UK. Those who wish to work and contribute to the UK, as well as those who seek escape from persecution, will then receive the welcome they deserve. (HMSO 2002a: foreword)

An implicit sense of *insecurity* in the notion of 'our identity' is patent here, as is a *lack* of 'confidence, security and trust' that such an identity could 'withstand the perceived challenges presented by 'those who come to the UK'. Britain's obligations to asylum seekers, therefore, is constructed as highly conditional upon the, rather difficult to measure and impossible to fully achieve, priority of a 'secure identity'. As such, it would seem that any sense of obligation here to 'those who seek escape from persecution' is permanently deferred. However, *as* a permanently deferred obligation of a nation that is 'under threat', the right to asylum in the UK constitutes a necessary element in the articulation of national belonging and identity.

Whilst there is no logical or necessary relationship between the idea of 'the need to be secure within our sense of belonging and identity' and the ability to 'reach out and to embrace those who come to the UK', the joint articulation of these two ideas is presented as 'common sense', and sets up a tension between 'asylum' per se, and ordered social relations. The discourse of social stability secured through tighter border controls is an idea well rehearsed in twentieth century immigration politics, powerfully expressed in the post-war rhetoric of Enoch Powell and later re-articulated in the new right discourse of Margaret Thatcher. Without a stable notion of a delimited British national identity, articulated with the idea of social order maintained by immigration control, the prospect of others 'integrating' is presented as problematic.

This sedimented discourse and its subsequent articulations have naturalised the policies of expanding asylum detention to manage the 'asylum crisis', suggesting a logical relation between the need for Britain to maintain a 'secure identity' and its capacity to respond to its obligations to refugees under international law. As such, the object of 'asylum rights' might be seen as antagonistic to a 'secure British identity', subverting and preventing its closure and thereby revealing its inherent contingency. Asylum detention has become a necessary component of how the state represents the control of its borders and, by extension, its sovereign power.

### **Protesting Asylum Detention**

However, asylum detention centres have also presented one of the few 'concrete' focal points for protest about asylum in Britain. Numerous local and national pressure groups and charities now exist for the purpose of campaigning against asylum detention and protesting conditions for detainees.<sup>82</sup> These groups organise protests, petitions and lobby government as part of their activities, with the aim of ending the practice of asylum detention and/or improving conditions for existing detainees. On the other hand, a number of campaign groups have also emerged articulating a different politics: protesting the

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<sup>82</sup> Some of the key groups include: Bail for Immigration Detainees (BID), The Association of Visitors to Immigration Detainees (AVID), the Barbed Wire Britain Network, the Scottish based Positive Action in Housing (PAIH), No Borders, the Joint Council for the Welfare of Immigrants (JCWI), Student Action for Refugees (STAR) and Medical Justice.

building, or the repurposing of immigration centres in specific areas or locations of the country. With very different sets of political priorities, these protests might be classified as NIMBY ('Not in my back yard') campaigns. Oddly perhaps, it is the case that such groups might at times share the objectives of the anti-detention campaigners (in that they both protest the existence of detention centres), however, each clearly position themselves very differently vis-à-vis the presence and rights of asylum seekers.

Drawing on Andrew Barry's work on understanding the character of political demonstration, the next section explores the politics of the immigration detention centre protests and their manifestation as 'technical, ethical and spatial practice.' (Barry 2001: 176) In this, I am particularly concerned to explore the nature of detention centre protests as 'events': examining what counts as political demonstration in the context of opposing or challenging asylum detention. The complex relationships between the specific sites, persons, objects and practices which are recognised as politically meaningful and necessary for demonstration 'to be performed', will be examined. Following Barry, the analysis will involve, 'careful attention to the technology and ethics of telling and witnessing the truth and the ways in which sites of demonstration are made.' (Barry 2001: 176-7)

Firstly, therefore, I assess the different forms in which the detention centre itself operates as a site of protest. These include events in which the physical infrastructure of the detention regime function as part of the protest, such as in frequent detainee occupations of detention centre roof tops, as well as instances in which damage is inflicted upon the buildings and contents of detention centres, such as when the Yarl's Wood detention centre in Bedfordshire was partly destroyed by fire in 2002.

Also, however, there have been events in which the bodies of asylum seekers have themselves functioned as the immediate sites of political demonstration, in relation to the wider institutional setting of the detention centre. These relate notably to cases of self mutilation, and also to hunger strikes, such as occurred at Campsfield House detention centre in August 2008 when around sixty asylum seekers joined a protest begun by a group of Iraqi Kurds threatened with deportation to Iraq. Demonstrations involving asylum

seekers protesting their own detention (whilst supported by the work of advocacy groups which stage regular 'demos' at detention centre gates<sup>83</sup>) are often literally inscribed on the body, a symbolic and physical demonstration of their human pain and suffering. In demanding recognition for themselves as human beings, occupying subject positions in relation to the discourse of asylum detention and its technological and administrative practices, asylum detainee demonstrations signify political antagonism. Clearly, however, this antagonism cannot be understood straightforwardly as if between political actors. Political antagonism, according to Mouffe, is a 'friend-enemy' relationship characteristic of the political:

when the 'Other', until now merely considered to be different, begins to be perceived as questioning our identity and threatening our existence. From that moment, any form of Us–Them relationship – religious, ethnic or economic – becomes the locus of an antagonism. (Mouffe 2002b: 7)

Instead, the encounter seems to occur between human actors (asylum detainees), and non-human objects (the technical apparatus of the asylum detention regime, and the wider bureaucracy and technologies of control of the asylum system). Of course, one might choose to see the asylum detention regime and the asylum system more generally, as merely the expression of 'our' interests: a representation or institutionalised articulation of the political identity, 'us'. As an outward manifestation of the laws of the land, afforded legitimacy as the policies of our democratically elected political representatives, and ultimately sanctioned by the people at the ballot box, we might understand the asylum system as functioning as 'us' by proxy. In the 'us-them'/'friend-enemy' encounter, the encounter itself is effectively handled for 'us' by the State: the antagonism it is sanitised - distanced from our experience, such that 'we' do not need to get our hands dirty.

Viewed from this perspective however, the encounter is potentially reduced to solely an assertion of sovereignty – an expression of state power exercised in the process of excluding

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83 For example, the work of the No Borders network of campaign groups regularly organise events for supporters to demonstrate their solidarity with asylum seeker protest, and to demonstrate their views about asylum and immigration detention in other ways, such as through petitions and letter writing to formal political representatives. For example, demonstrations to end immigration detention such as that held at Yarl's Wood removal centre on 21st March 2009. London No Borders. (2009). "Demonstration at Yarl's Wood Detention Centre, 21st March 2009 27 January, 2009." from <http://london.noborders.org.uk/yarlswood2009>.

those who simply do not belong. Indeed, this is the extent to which asylum detention is often theorised, akin to Agamben's notion of 'the camp' – a place of exclusion of the unwanted from the social and political space, and a tidy location beyond view, scrutiny or risk of contamination of the mainstream population. As Zylinska notes, drawing on Agamben, the biopolitics of immigration (of which asylum detention is an important practice) also serves the function of managing the 'bare life' of the host community:

In order to develop a set of norms intended to regulate the state organism, biopolitics needs to establish a certain exclusion from these norms, to protect the constitution of the polis and distinguish it from what does not "properly" belong to it. (Zylinska 2005a: 86)

In its paradigmatic status as 'exception', the detention centre as 'camp' allows for the exercise of sovereign power beyond political accountability, and potentially, beyond rule or reason.

The analysis therefore includes human actors: both those subject to the detention regime, those working within it and those outside of it. But, importantly, it also focuses on the ways in which the physical objects and technical apparatuses of the detention regime interrelate with those human actors. In this I intend to demonstrate that, whilst identity is a concept which is central to understanding the political, (Laclau and Mouffe 1985) and the political processes associated with asylum in particular, asylum politics is not reducible to antagonisms between political identities. In an argument presented during an interview with Vikki Bell, Judith Butler contends, 'politics has a character and contingency and context to it that cannot be predicted at the level of theory'. (Butler, cited in Bell 1999: 166) It is the complexity of *the event*, which extends beyond an understanding of the rational intentions or ideologically determined actions of human beings which leads Barry to assert, with Butler, that 'the political is irreducible to politics'. (Barry 2001: 177) Following Barry, I want to argue that asylum detention demonstrations serve as good examples demonstrating that the political is irreducible to politics. Detention centre campaigns and demonstrations *as events* involve the articulation of the technical apparatus of the asylum system in ways that might be seen as symbolic and in the service of particular political interests and identities. Indeed, as previously argued, asylum detainees - as those who have

been classified as illegitimate, or at the very least on the cusp of legitimacy - are necessarily positioned as a threatening 'other' - a 'constitutive outside' in relation to which 'our' sense of collective identity as 'those who belong in Britain' is rendered meaningful. Indeed, as Khosravi argues, detention operates discursively, not just to imply that asylum seekers pose a threat or danger to the host society, or to reinforce the notion that national governments are working to protect their citizens, but also in a way that positions asylum seekers as bearing responsibility for their own subjection to those disciplinary measures. (Khosravi 2009) The dominant asylum-control discourse asserts that asylum controls exist not because the state seeks to discipline or exclude asylum seekers as 'others', but because the presence of those 'others' has rendered the controls necessary: asylum seekers have induced their own repression, producing the state as characteristically disciplinary and securitising.

In my analysis of demonstrations for or against asylum detention therefore, I do not intend to challenge the notion that identity is central. However, as political events, asylum detention demonstrations can also be seen to exceed meaning which is necessarily linked to the concept of identity. Drawing on Barry's argument that:

if we are to understand such actions and to take them seriously as political *events*, we should not look for the existence of political identities or ideologies or social movements which lie behind such actions, but rather look to the actions themselves [...] in its preoccupation with social movements and ideological conflict, political sociology neglects to analyse the objects, technologies and practices of political action. (Barry 2001: 176)

I would contend that in their articulation of technological objects of control, perhaps asylum detention demonstrations have more unpredictable effects, representing a certain form of antagonism that might be seen as irreducible to a notion of the political understood only in terms of identity.

Laclau and Mouffe's discourse theory subverts such a conception of political action as a mere expression of identity, challenging the essentialism of identities as fully formed entities, and instead contends that identity is constituted through the practices of political action. Nonetheless, however, it remains preoccupied with identity as an organising political concept in relation to which 'politics' is rendered meaningful. If however, we take Barry's insight alongside Mouffe's definition of politics as that which 'refers to the set of

practices and institutions the aim of which is to create order' the two do not necessarily seem incompatible. (Mouffe 2002b: 8) For Mouffe, politics organises human relations, 'in conditions which are always conflictual because they are traversed by "the political"'. (Mouffe 2002b: 8) It is 'the political' with its characteristic 'ever present possibility' of antagonism that politics is 'traversed by' that is defined exclusively in terms of identity in discourse theory. It is therefore a more irreductionist conception of the political, and specifically of antagonism as possible between human subjects and non-human objects which my analysis of asylum detention demonstration seeks to address here.

As discussed in chapter two, asylum seekers have themselves long protested their detention with advocates working to make their voices heard. For example, a long-running campaign from the early 1990s has been centred upon the Campsfield House asylum detention centre, where local groups, including NGOs and students have joined with asylum seekers to support their protests of detention. Perhaps the most dramatic example of asylum seeker protest, however, occurred on the night of 14<sup>th</sup> February 2002, when a detention centre at Yarl's Wood, Bedfordshire was subjected to physical destruction, deemed an act of resistance by its asylum seeker detainees protesting against their conditions of incarceration. As Europe's largest detention centre, Yarl's Wood had been hailed as the New Labour government's 'flagship' of the new detention regime. After only three months of opening, a damaging fire had broken out, allegedly started by 'rioting' detainees. The 'riot' was immediately condemned by politicians, and in the immediate aftermath of these events, on 25<sup>th</sup> February, Home Secretary David Blunkett asserted in a ministerial statement to the House of Commons that asylum seekers had hindered Fire fighters from tackling the fire. (Blunkett 2002b) This spurious claim was never corroborated nor reflected in any criminal charges subsequently brought against the detainees and indeed it was discredited in the subsequent inquiry of Bedfordshire County Council into the circumstances surrounding the incident, published in July 2002.

However, the detainees were vilified in large parts of the popular press as senseless criminals, with the exception of the *Daily Mirror* whose undercover investigation into the daily running of Yarl's Wood by Stephen Sommerlad prompted the then Prisons



Ombudsman, Stephen Shaw to undertake his 'Investigation into Allegations of Racism, Abuse and Violence at Yarl's Wood Removal Centre', published in April 2004. Somewhat contrarily, however, Shaw asserted that, 'I conclude that most of the things Mr. Sommerlad said happened did happen. However, I have also concluded that these do not indicate a culture of racism and improper use of force.' (Prison and Probations Ombudsman 2004: 2)

The events were an embarrassment to the New Labour government, but 14<sup>th</sup> February 2002 could be treated as an isolated incident and reintegrated as part of the justificatory discourse of asylum detention that cast the riots as 'senseless violence' and rendered tangible the 'need' to contain volatile asylum seekers in the first place. Whilst the investigations into the circumstances surrounding the fire placed this official conclusion into question, not least in respect of the impact of a securitising discourse of asylum upon the attitudes of detention centre personnel, such details did not present a significant discursive challenge. The detainee protests at Yarl's Wood did not form an alternative discourse sufficiently antagonistic to have disrupted the dominant hegemonic articulation of 'asylum crisis' and asylum detention as its necessary remedy.

Following the Yarl's Wood incident, *Secure Borders, Safe haven* was published in which detention centres were renamed 'removal centres'. Whilst the new name had been previously planned, it nevertheless re-emphasised, in the face of this challenge to the system, the rational functionality of the centres and the 'seamless' process leading to 'failed asylum seeker' expulsion. This re-articulation of the centre's role obscured the salience of human incarceration occurring there, and redefined asylum seeker detainees even more in the passive, without an objective place within the system. Any discursive element of 'asylum rights' therefore would seem to have become completely excluded from dominant hegemonic asylum discourse.

## *Chapter 6: Human Rights and National Security*

### **Introduction**

This chapter examines the increasingly close association between asylum and the idea of ‘a threat to national security’ in media and political discourse.<sup>84</sup> It critically analyses the conditions of possibility for as well as contours of this relationship, identifying and exploring how a pervasive ‘securitising discourse’ has come to inform asylum and immigration policy debates in the post 9.11 era.

What is meant by a ‘securitising discourse’ will firstly be explored, focusing upon how it both draws upon and re-articulates a set of sedimented ideas about ‘dangerous migrant identities’ (such as those ‘illegitimate asylum seeker’ identities delineated in earlier chapters) which would threaten the interests of ‘the law abiding national majority’. The role of such a ‘securitising discourse’ in contemporary debates amongst political elites concerned with a perceived necessity to cultivate of a ‘renewed sense of Britishness’, national values and social belonging will be analysed. The chapter will argue that the operation of ‘security’ as a floating signifier within these debates is key to its overdetermining force in political and media discourse. Moreover however, I will explore how the symbolic currencies of ‘security’, ‘nation’ and ‘human rights’ derive from their potential function as empty signifiers. The shifting relationships between these elements in the era of the so called, ‘war on terror’ are therefore the main objects of this analysis.

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84 In the Laclauian sense, discourse refers to a ‘system of meaningful practices that form the identities of subjects and objects...concrete systems of social relations and practices that are intrinsically political, as their formation is an act of radical institution, which involves the construction of antagonisms and the drawing of political frontiers between “insiders” and “outsiders”. In addition, therefore, they always involve the exercise of power, as their constitution involves the exclusion of certain possibilities and a consequent structuring of the relations between different social agents. Moreover, discourses are contingent and historical constructions, which are always vulnerable to those political forces excluded in their production, as well as the dislocatory effects of events beyond their control.’ Howarth, D., A. J. Norval, et al. (2000). *Introducing Discourse Theory and Political Analysis. Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change*. D. Howarth, A. J. Norval and Y. Stavrakakis. Manchester & New York, Manchester University Press. (p.5)

The argument is elaborated through a case study analysis of the long-running legal and asylum cases of a group of Afghan asylum seekers who hijacked a plane bound for Kabul in 2000. A textual and conceptual analysis drawing upon Laclau and Mouffe's discourse theory, I will trace the development of a securitising asylum discourse between 2000 and 2006, and the role of 'national security' and 'human rights' in certain transformations of negative ideas surrounding asylum. As I shall argue, an increasingly vociferous 'critique' of 'human rights' has been integral to these developments, premised upon a perceived necessity to redress the 'imbalance' between 'human rights' and 'national security' in light of 'new challenges' and 'contemporary threats' faced by nation states in the context of the so called, 'war on terror'. A 'securitising discourse of asylum', I argue, both contributes to and is constituted by these hegemonic transformations.

### **Securitising discourses of asylum**

Across a range of disciplines in the humanities and social sciences, research has highlighted how concerns about 'security' in government policy have both diversified in scope and proliferated in recent years. (Crelinsten 1998; Agamben 2001; Agamben 2004; Ticktin 2005; Tyler 2006) Crelinsten, for example explains how threats to national security (those which primarily threaten the nation state or sovereignty of a polity, such as war or terrorist attacks) have been supplemented and increasingly interrelated with domestic policy issues or 'societal security' concerns. The latter, according to Crelinsten, are constructed as more 'indirect threats' to the community and to public order, such as those which may arise around questions concerned with who ought to be allowed access to health services and welfare benefits, and opportunities for education and employment. 'Societal security' is therefore concerned with the conservation of those limited communal goods over which social actors will compete and which, as such, can become the potential site of conflict. Such an understanding of the organisation of social relations in a liberal democracy provides a basic rationale of arguments to restrict the numbers of asylum seekers a country should allow. (Crelinsten 1998: 407) Accompanying this is a 'blurring of operational mandates' between agencies in different policy areas of government, which has served to further undermine distinctions between 'national security' and 'societal security' issues, where aspects of policy which might primarily be concerned with social or welfare issues become the responsibility of, or share resources with law and order or even intelligence agencies.

(Cohen 2003) One current manifestation of this in the UK is the controversial introduction of a National Identity Register. Presented by government ministers as a panacea for a range of societal and national security issues from catching welfare cheats and identity fraudsters, to controlling 'abuse' of the asylum system and a counter terrorism measure, the shifting justification for this policy has included a range of different 'security threats', the supposed links between which remain ambiguous. (an argument often highlighted by civil liberties campaigners, such as: Chakrabarti 2005) Such policies act as vehicles, I contend, through which 'social problems' can, by association, begin to signify a threat to national security beyond their particularity as social issues.

This complex signification of 'security threat' in government policy has become characteristic in the area of asylum, through what has been referred to as the 'securitisation of migration'. (Huysmans 2000; Lohrmann 2000; Buonfino 2004; Huysmans 2006; Huysmans and Buonfino 2008) According to Buonfino, the securitisation of migration entails a policy discourse within which 'the border between security, terrorism, immigration and social fear has become very thin' and which has emerged as the dominant hegemonic discourse type on migration, 'motivated by the need for national governments to control influxes, placate media pressures and comfort public opinion against the fear of being swamped by foreigners'. (Buonfino 2004: 23) One of the ways in which this 'placating' and 'comforting' has been manifested in the policy realm is through the development of new institutional arrangements and technologies of control within the immigration and asylum system – for example, the system of asylum seeker detention, electronic tagging and biometric data collection. These measures, as I have argued in chapter five have themselves become important signifiers in the development and reproduction of a securitising discourse of asylum, contributing to the 'common sense' idea that a set of pre-emptive measures is necessary to control asylum seeking through the restriction and tracking of the movement of asylum seekers, and to scrutinise the veracity of their identities and claims.<sup>85</sup> In this, there

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<sup>85</sup> Biometric identity management, for example, was first agreed at a European Union level in 1991 and has been operational since 2000 in the form of 'EURODAC', a database of the fingerprints of all asylum seekers entering the EU which allows member states access to shared information about asylum claimants in order to cross check claims against records of asylum applications. Such developments, involving persons with no ordinary rights as citizens, have it seems, served as a 'testing ground' for new technologies and facilitated the institutionalisation of identity management systems. This, I would contend, has served to render 'common

is clearly an emphasis upon physically controlling the arrival of asylum seekers as if an invasive force. In the Home Office's proposals for its 2007 'Borders Bill', for example, Minister Liam Byrne and Parliamentary Under Secretary of State, Lord Triesman proclaim:

Border control can no longer just be a fixed line on a map. Using new technology, particularly biometrics, and new approaches to managing risk and intelligence, we must create a new offshore line of defence, checking individuals as far from the UK as possible and through each stage of their journey. Our aim is to make legitimate travel easier yet prevent those who might cause us harm from travelling here. (UKBA 2007: 2)<sup>86</sup>

Through this militaristic metaphor, and armed with 'new technology', Byrne and Triesman offer the 'reassurance' that undesirable migrants will be kept 'as far from the UK as possible'. Whilst the 2007 Borders Bill does not deal with asylum exclusively, these aims are resonant with established measures and other policy proposals already conceived and instituted the area of asylum, such as biometric surveillance technologies, but also proposals (from 2003) for the 'deterritorialisation' of border controls in the form of Regional Protection Zones (RPZ) and Transit Processing Centres (TPC) - measures designed to deal with asylum claims far beyond the borders of the European Union. Closer to British shores, extra-territorial border controls have involved the relocation of UK immigration personnel to ports across the channel through agreements with northern European countries. (Betts 2003)

As a result of such measures and others included within the five major acts of parliament on immigration and asylum passed into law over the past decade, it is now virtually impossible to travel to British territory 'legitimately' as an asylum seeker.<sup>87</sup> As such, it seems inescapable that asylum seekers will be articulated within Byrne and Triesman's, 'those who might cause us harm' category, in respect of which continuous vigilance and pre-emptive action is deemed necessary in order to protect national security. Policy constructions such as these present us, as Steve Cohen has noted, with a rather Orwellian paradox.

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sense' certain ideas offered by politicians as a rationale for the presence of such measures in the general armoury of state power as evidenced in the proposals to introduce a National Identity Register in the UK.  
86 So favoured is this phrase by the UK Border Agency that it is reproduced in a direct quotation in the 2008 white paper, 'A Strong New Force at the Border'. UKBA (2008c). A Strong New Force at the Border. United Kingdom Border Agency. London, HMSO. (p.6)

The idea that foreign 'others' and 'visible minorities' have long been viewed with suspicion - perceived as representing a potential threat to shared cultural values and identities, and threatening the mythical 'cultural homogeneity' of the nation are not new. (Smith 1994; Lohrmann 2000) Asylum seekers and refugees are represented as particularly 'threatening identities', however, partly as their 'demands' for recognition by the state are based upon appeals to international law and 'universal' values of 'human rights', which place certain supposedly inalienable obligations upon liberal democracies to accommodate the claims of cultural others and thereby to disrupt the discourse of the 'autonomous nation'.

Controlling or 'securing' access to the nation and its resources for those belonging to an imagined national community, against those who the state determines are undeserving, is an important part of what makes a 'securitising discourse'. (Flynn 2003) As argued in chapter four, the signification of 'their illegitimacy' is a necessary condition of securing 'our' identity – it functions as the constitutive outside of the national 'we'.

In the current conjuncture, the so-called, 'War on terror' functions as a myth which structures and organises the discursive context or, 'field of intelligibility' – giving meaning to a range of differentially incorporated social demands. It is within this mythical framework I argue, that a 'securitising discourse' has had an important and constitutive effect upon the dominant hegemonic articulation of asylum. In a 20<sup>th</sup> September 2001 reflection, 'On Security and Terror', philosopher Giorgio Agamben argues:

Today we face extreme and most dangerous developments in the thought of security. In the course of a gradual neutralization of politics and the progressive surrender of traditional tasks of the state, security becomes the basic principle of state activity. What used to be one among several definitive measures of public administration...now becomes the sole criterium of political legitimation. (Agamben 2001: 1)

The idea of a tendency towards rendering security the "basic principle" of state activity clearly resonates with the idea of 'securitising discourse' outlined above. It is something which simplifies the space of the political – understanding 'national security' not to be a self-evident 'good' or 'objective obligation' of the state towards its citizens or as a responsible global actor honouring its 'obligations', but rather as an 'empty signifier', which operates hegemonically to institute a division of political space, between secure social

belonging and the exclusion of those identified as threatening to such a security. Securitising discourses operate towards the reproduction of the social identities of 'belonging' and 'otherness', and thus to the maintenance of the extant social and cultural order. But a 'securitising discourse' is also an unstable entity constituted through a relation between shifting logics of equivalence and difference, which are contingently organised around the nodal point of security.<sup>88</sup>

### **Identity and Rights in the 'War on Terror'**

In 2006, the right of centre think tank Demos published an essay by David Goodhart, editor of Prospect magazine called, 'Progressive Nationalism: Citizenship and the Left' in which he posited a 'common sense' equivalence between the existence of cultural diversity, asylum and immigration issues, and potential social conflict. Despite acknowledging the 'relatively calm' response to the July 7th 2005 London bombings, Goodhart's essay argues:

it is hard to believe that 7/7 will not keep security and identity themes at the forefront of political debate for years to come. The issue of Islamic extremism does unavoidably spill over into the wider debate about immigration and asylum. (Goodhart 2006: 11)

One of the ways in which this apparently 'unavoidable' spillage has been articulated in media and political discourse, linking asylum with the threat of terrorism, is not through debate surrounding the circumstances of 7.7 itself, (none of the perpetrators, of course, were asylum seekers) as through the frequent and sensationalised attention of politicians and the media upon the activities and provocative rhetoric, together with the immigration statuses of, controversial figures such as the radical Muslim clerics Abu Hamza, (whose citizenship was ceremoniously revoked in 2003) and Omar Bakri Mohammed (who first came to Britain as an asylum seeker). In a speech in August 2006, 'Achieving lasting peace and security, at home and abroad', Conservative Party leader David Cameron for example asked, 'Why has so little been done to minimise the impact of imams who come to Britain and preach, often with little knowledge or appreciation of British values?' (Cameron 2006) This question, ostensibly about the indirect, 'societal threat' posed by the immigration of

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<sup>88</sup> Within the hegemonic discursive formation of, the 'War on terror' in the UK, the signifier 'security' has been privileged as a point of articulation or 'nodal point' around which a range of, not necessarily related, political demands have been able to coalesce.

‘cultural others’ derives its real rhetorical power from an earlier passage in the speech, where Cameron asserts, ‘we must build the fabric of our own society so we can confront and defeat the twisted ideology that is perverting the minds of the potential terrorists.’ (Cameron 2006: np) Here, a strangely mixed metaphor of a ‘built social fabric’, presumably more robust and fitting for a ‘war on terror’ Britain, than the more conventional woven variety of social fabric, is indicative, I would argue of the blurred distinctions in political discourse between the ‘societal’ and ‘national’ security issues.

Whilst Cameron echoes Goodhart’s call that greater attention be paid to the protection and promotion of ‘British values’ as a means to safeguard national security and national identity. Gordon Brown, as the Prime Minister ‘in waiting’ of the UK in 2006, also intimated similar sentiments in his calls for a renewed sense of Britishness and civic pride in the Union flag.

What both Goodhart, Cameron and Brown are calling for is a less complicated, less heterogeneous organisation of social space – through a division between legitimate social belonging and those ‘dangerous identities’ to be excluded as threatening (or, to use the terminology of Laclau, the formation of an equivalential frontier). This consensus amongst the mainstream political elites upon the need to ‘renew Britishness’ is not premised upon ‘British distinctiveness and difference’ as a nation in the family of nations, but upon an antagonistic relation with the existence of individuals who it is presumed would threaten the existence of a collective British ‘we’.

In all of this, ‘security’ is not a self-evident and ‘objective object’, but rather seems to function as an ‘absent presence’, an ‘empty signifier’, in relation to which can be constructed what Laclau and Mouffe call a chain of equivalence. In respect of the dominant hegemonic, securitising discourse of asylum, I argue, this includes the contingent association and partial fixation of a range of discursive elements in a signifying chain, such that ‘asylum’, ‘crime’, ‘terrorism’, ‘Multiculturalism’, and ‘human rights’ are jointly articulated as representing a threat to the security of the law abiding national majority. My contention is that the dominant securitising discourse through which asylum has been articulated has created conditions which are conducive to the politicisation and shifting articulation of the



object of human rights - in other words, that asylum provides one important route through which human rights are being rearticulated as a threat to national security.

In order to focus more closely on the development of the idea of 'human rights' representing a threat to the national interest and the idea of a 'secure nation', the following case study examines the representation of nine Afghan asylum seekers, who hijacked a plane in order to claim asylum in the UK in 2000 and the media and political discourses surrounding this event and its ensuing legal processes.

### **The case of the 'Afghan Hijackers'**

On 7<sup>th</sup> February 2000 an Ariana flight from Kabul bound for Mazar-e Sharif carrying 187 passengers touched down at London Stansted airport. It had reportedly been hijacked by 11 Afghan men. After three days of negotiations, during which time it emerged that the hijackers intended to claim asylum in the UK (the reasons they provided for the hijacking having been to flee the Taliban regime), the standoff came to an end without casualty. On 10<sup>th</sup> February 2000 in the House of Commons, Home Secretary Jack Straw made a statement announcing that he would take responsibility for the asylum claims, but also announcing his intention to deport the men as well as the other passengers on the Ariana flight, stating:

While I must and will act in accordance with the law, I am determined that nobody should consider that there can be any benefit to be obtained by hijacking. Subject to compliance with all legal requirements, I would wish to see removed from this country all those on the plane as soon as reasonably practicable. (Straw, cited in Hansard 10th February 2000)

Much of the Commons debate surrounding the events focused upon the deterrence of hijacking as 'a method of seeking asylum' with an emphasis upon 'international obligations' to combat hijacking - as Straw defined it, 'a very serious terrorist offence':

Like other countries, we are bound by international conventions relating to refugees, but we are also bound by the clearest international obligations to prevent and deter hijacking. I must tell the House that, as a matter of public policy, I believe that the clearest and most unequivocal signals must be sent out so as to discourage hijacking, whatever its motive. (Straw, cited in Hansard 10th February 2000)

Of the two international obligations (on refugees and hijacking) identified by Straw, the deterrence of hijacking is represented as the preeminent concern. In her response to Straw's statement, Anne Widdecombe consolidates the prioritisation of the hijacking deterrence obligation within the debate, offering the image of a vulnerable, self-sacrificial 'soft touch' Britain<sup>89</sup>, as a possible explanatory factor for the plane's destination, suggesting, 'one way of discharging such an international obligation is to make sure that our procedures are not noticeably softer than those of surrounding countries? (Widdecombe, cited in Hansard 10th February 2000)

The issue of hijacking 'for' asylum was further discussed by MPs and the idea that international obligations on human rights which might present any impediment its deterrence might be reformed was pursued, including the suggestion that the denial of asylum might present a suitable criminal punishment. For example, Douglas Hogg's suggestion:

On consequences, may I reinforce the suggestion, which has been made on both sides of the House, that participation in hijacking should be a total prohibition to the granting or obtaining of political asylum, and that that should be made explicit? If it requires a change to an international convention, we should play our part in obtaining that change. (Hogg, cited in Hansard 10th February 2000)

In some sections of the press, efforts had already been made to investigate this point. On the day before Straw's statement to the House, an article by David Williams in the *Daily Mail*, 'WE WANT ASYLUM SAY FREED STANSTED HOSTAGES', highlighted two previous examples: one in 1996, where six Iraqi men hijacked a Sudanese airbus which was forced to land at Stansted. (*Daily Mail*, 9th February 2000) When in the country, the men and two passengers applied for asylum on the basis that they were fleeing Saddam Hussein's regime. The other example had happened eighteen years previously, where according to Williams, 'Three members of a gang of Tanzanian hijackers involved in another Stansted stand-off in 1982 were allowed to remain in Britain after their release from prison'. (*Daily Mail*, 9th February 2000) Other sections of the tabloid and quality right wing press also reported these details in their contextualisation of the event, and this was something that

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89 'Soft touch Britain' is a construct which, as I have explored in Chapter Four had, in certain sections of the tabloid press, become synonymous with asylum seeking in 2000, when the controversy surrounding the existence of the Red Cross camp at Sangatte, northern France was developing.

reappeared in subsequent reports relating to the criminal and asylum case proceedings in the following years.<sup>90</sup>

It is notable that during this discussion between politicians and in the press about the best response to the events, the infrequency of acts of hijacking in general, and the extraordinariness of hijacking 'for' asylum become rather obscured. The particular issue at stake is reinterpreted, shifting from a focus on the idea that hijacking has occasionally been used by people in order to escape oppressive regimes and to seek asylum in the UK, to a more generalised 'condition' or problem with the British asylum system, which it is suggested 'invites' hijacking. It is through this route, that the 'Afghan hijackers' case serves to signify, metonymically, the inadequacy of the asylum system and its vulnerability to exploitation by those who would commit terrorist acts.

### **A Protracted Legal battle**

In 2000, the theme of the 'right balance' between international obligations in respect of combating international terrorism and those of upholding 'human rights', was introduced into the media and political discourse surrounding this case. Jack Straw's proposal to 'reform' the 1951 convention on the protection of refugees was reported across the political spectrum of the national press. In the *Guardian*, for example, he was quoted as saying, 'The events surrounding this terrorist act of hijacking have shown serious weaknesses in the way in which international conventions relating to refugees, terrorism and human rights operate.' (*Guardian*, 2nd March 2000)<sup>91</sup> In some sections of the press it was incorporated as evidence backing their incredulity that the Afghan's asylum claims, 'tarnished by terrorism' should even be entertained, for fear of inviting further 'hijackings for asylum'.

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90 Other examples include: on 11<sup>th</sup> February (2000). NO ENTRY. *Daily Express*. London.; Philip Johnston's article on 23rd May 2003, Johnstone, P. (2003). HIJACKERS GO FREE IN "SOFT" BRITAIN: AFGHANS IN STANSTED SIEGE CLEARED. *Daily Telegraph*. London. Also by Johnstone in the *Daily Telegraph* on 14th July 2004: Johnstone, P. (2004). HIJACKERS ALLOWED TO STAY FOR FEAR OF INFRINGING THEIR HUMAN *Daily Telegraph*. London., and an article by David Green and Sam Greenhill on 19th July 2004 Green, D. and S. Greenhill (2004). HIJACK UK. *Daily Mail*. London.

91 One of the policy responses to this questioning of human rights law in the area of asylum was to draw up of a list of 'safe countries' from which thus obviously unfounded asylum claimants could be 'fast tracked'. Although Afghanistan has never actually been included on this list, the deportation of people to places deemed 'safe', including to war zones (even those conflict zones that the British government has military troops deployed, such as Iraq), remains a highly controversial issue.

The ensuing criminal case brought charges of 'hijacking, false imprisonment and possessing firearms with intent to cause fear or violence', and whilst a first trial collapsed in April 2001 due to the jury's failure to reach a verdict, a retrial in December 2001, (somewhat unpropitiously timed from the perspective of the accused), resulted in the convictions of nine of the men. Two years later, in May 2003, the men were finally cleared of all criminal charges when an appeal court judgement ruled that the conviction was unsafe on the basis that the men had acted under duress in hijacking the plane (i.e. their fear of and desire to escape the rule of the Taliban). During this period, however, the intensely hostile press coverage of the so called, 'Afghan hijackers' had continued. Hostility centred not just upon the 'criminal' or 'terrorist' acts in themselves, but rather also operated within more familiar asylum and refugee news frames, (as discussed in chapters one and four) involving the systematic portrayal of asylum and asylum seekers as 'criminals', 'scroungers' and 'abusing the system'. In this case a notable emphasis was placed upon the 'unacceptable burden' to which the British taxpayer had been subjected due to the costs of the criminal trials, asylum claim cases and welfare support for the hijackers and their passengers. A clear suspicion regarding the legitimacy of the asylum claims of the other passengers on the hijacked Ariana flight (particularly as some of these were apparently relatives of hijackers), and Straw's precipitous promises about deportation, were also strong themes, reflecting a 'culture of disbelief' about asylum seeking in this case.

The 'war on terror' has also constituted an important context in the media and political discourse surrounding the case, often with quite contradictory implications. A *Daily Mail* leader column on 7th December 2001, for example, included a piece entitled 'THE DESTRUCTION OF THE FANATICS' celebrating the apparent defeat of the Taliban regime in Afghanistan, and this was immediately followed by another column entitled, 'ASYLUM FIASCO'. (*Daily Mail*, 7th December 2001; *Daily Mail*, 7th December 2001) The second article questions whether Afghan asylum seekers in general will be 'sent home, now that the regime is destroyed' and argues that the convicted Afghan men:

were and are deeply unwelcome 'guests'. Their seizure of an internal flight in their own country was an act of terrorism... The then Home Secretary, Jack Straw, wanted to send the hijacked passengers home. Needless to say, they immediately rushed to claim asylum. (*Daily Mail*, 7th December 2001)

The following year, Home Secretary, David Blunkett announced the 'voluntary assisted returns' project to fund the repatriation of Afghan asylum seekers, following the 'removal' of the Taliban from power in Kabul.<sup>92</sup> As a dynamic of the discourse surrounding the case, the introduction of this 'safe country logic' served as an important and further delegitimising factor in the perceived credibility of the asylum claims of the convicted Afghan men and supported the ongoing agitation in the right-wing press for their deportation. For example, in a fairly typical article entitled 'ASYLUM: THE JOKE'S ON US', one *Daily Mail* editorial argued:

At the time of their arrests, all the hijackers said they were fleeing the Taliban. Yet even now that the Islamic fundamentalists have been ousted from Afghanistan, they are still claiming asylum. (*Daily Mail*, 8th March 2003)

### **Human Rights and Security post 7.7**

As the 'Afghan hijackers' case reached its culmination during the summer months surrounding the first anniversary of the July 7th London bombings, a tension between 'human rights' and 'national security' continued to feature strongly in British media and political discourse. Terrorism, crime and human rights were key themes in the television media coverage of asylum and refugee issues in the summer of 2006. (Gross, Moore et al. 2007) What becomes clear from a close textual reading of the coverage, is the coincidence of security related themes with questions surrounding human rights in an ongoing wider political 'debate' through which the object of human rights was problematised as a security issue. Long running stories concerned with 'chaos' at the Home Office, for example, included the 'Foreign prisoners deportation row' - a story focusing upon the Home Office's inability to implement its own policy of automatically deporting convicted foreign nationals following the completion of their prison sentences. Whether or not deportation should be considered a befitting punitive measure for non-British nationals, in addition to serving their prison terms seemed to be excluded from this debate.

When, at the end of June 2006, just before the anniversary of the London tube bombings, the government lost an appeal against a High Court ruling that their policy of 'control

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<sup>92</sup> A policy that seems quite remarkable given the security situation that since emerged there.

orders' was incompatible with Human Rights law<sup>93</sup> (and this case entailed the house arrest without charge of six Iraqi asylum seekers suspected of terrorist activities), (*BBC News Online*, 28th June 2006) this was just the latest in a series of clashes that summer between the government and the judiciary which revolved around 'human rights'.<sup>94</sup>

It followed Justice Sullivan's ruling in May 10th regarding a group of nine Afghan men that the Home Office had 'abused its powers' in its long running battle to deny asylum to the group. The ruling was one of a series of events through which the issue of 'human rights' was articulated as a potential 'threat to public safety', and through which, at times the idea of 'human rights' verged upon being cast as an object of ridicule.<sup>95</sup> Alongside such stories as the foreign prisoners deportation row, 'illegal immigrants' found working at the Home Office, however, the government also faced a number of 'balance of power' issues between the executive and the judiciary (for example, the controversy surrounding the legality of detention without trial for terror suspects and exercise of control orders), as well as a series of other stories which seemed to necessitate the government calling into question the legitimacy of 'human rights' law.<sup>96</sup>

When Mr Justice Sullivan ruled in May 2006 that discretionary leave to remain should be awarded to the nine Afghan asylum seekers from the Ariana flight hijacking, (a judgement subsequently upheld in August following by three appeal court judges), he commented, 'It is

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93 Control orders were introduced by the Prevention of Terrorism Act 2005. This case was deemed to breach Article 5 of the ECHR, which prohibits indefinite detention without trial. HMSO (2005a). Prevention of Terrorism Act. UK.

94 The Prevention of Terrorism Act 2006 was designed to aid the early intervention of the police/control agencies in order to prevent terrorist acts from being carried out. The government proposed to amend the bill on 9th November 2005 to extend the period of time allowed for detention without charge of terrorism suspects (suspects arrested under suspicion of having conducted, or being engaged in planning, terrorist crimes) from 14 to 90 days. This was rejected in the House of Commons and a compromise of 28 days was passed into law.

95 Whilst the criminal convictions in respect of the hijacking were overturned in 2003 (on the basis that the Taliban escaping hijack had taken place under duress), the fight to prevent the deportation of the group had continued until indefinite leave to remain was finally granted in 2006.

96 Human rights are systematically articulated as an object which ought not to be elevated above the national interest to the extent that either public safety or national security interests are compromised. It is represented in the dominant political discourse as an example which dramatises the 'perversity' of current human rights law. In the media the Afghan hijackers case was often articulated (often together with mentions of other cases where dangerous criminals, e.g. Anthony Rice, were released from prison and went on to commit horrific crimes, and/or the detention/control orders of terror suspects) as a kind of 'common sense' shorthand for talking about the 'problems' posed by human rights law to national security/public safety.

difficult to conceive of a clearer case of conspicuous unfairness amounting to an abuse of power by a public authority.' (Justice Sullivan, cited on *BBC News at Ten*, 10th May 2006) Tony Blair's exasperated response to this was, 'we can't have a situation in which, people who hijack a plane...we're not able to deport back to their country. And, it's not an abuse of justice for us to order their deportation, it's an abuse of common sense, frankly to be in a position where we can't do this'. (Tony Blair, *BBC News at 10*, 10th May 2006)

From a discourse theoretical perspective, Blair's highly defensive 'abuse of common sense' comments deserve further attention. His appropriation and subversion of Justice Sullivan's language of 'abuse' is an interesting rhetorical strategy. Whilst at one level it means that he acknowledges a temporary defeat in the hegemonic power struggle between the executive and the judiciary on the matter of the 'balance between 'human rights' and 'national security', in their signalling of an intention to overturn the institutional structures through which the relationship between these discursive elements might be understood, he simultaneously reasserts his position on the terrain of struggle. Judges thwarting the will of elected representatives in Blair's conception represents a disjuncture between the dominant hegemonic discourse – the common sense on these issues. For Blair, 'power', compromised by international obligations on 'human rights' has become somehow disarticulated from 'common sense.'

### **'Rebalancing' Human Rights**

At this time in May 2006, *The Sun* newspaper launched its campaign to scrap the Human Rights Act, and in June Tony Blair and the leader of the opposition, David Cameron both put forward proposals to reform or 'rebalance' human rights vis-à-vis 'public safety' in a consensus that there was an essential conflict between upholding "security" and upholding "human rights". Whilst there is no logical or necessary incompatibility between these two terms, in dominant media and political discourse 'human rights' and 'security' were represented as fully formed, objective elements 'in balance' (or rather, out of balance) with one another.

Neither New Labour nor the Conservative opposition have quite presented themselves as 'anti-human rights', and this is likely to be because it is not in the interests of either political

party to allow 'human rights' to signify anything 'too radical' – (for example as the thing which 'ordinary people' would most identify with as a guarantor against authoritarian state power) – 'human rights' cannot be allowed to operate as a nodal point on 'the other side' of a 'political frontier' where it might be articulated as part of a strategy to 'challenge' the prevailing social order (and the dominant hegemonic discourses which underpin it). Instead, the parties seek to transform or rearticulate the identity of human rights so that it might be meaningfully reincorporated within the system of differences of the prevailing social order. David Cameron's proposals for a bespoke UK 'bill of rights' to replace the European Convention on Human Rights, for example, is a hegemonic practice designed to problematise the very principle of international human rights law, to pressurise Blair on upholding British cultural values, and it is perhaps also as much about internal Conservative party politics (to please the euro-sceptics, and gesture towards being 'tough' on foreigners), and a signal to the electorate that he is takes 'public safety' and the interests of the British people seriously.<sup>97</sup> Yet criticising human rights law presents a delicate balancing act for a party keen to shake off its image as, 'nasty'.<sup>98</sup> The rules of the game are perhaps even trickier to change for Blair, as it was New Labour who incorporated the European Convention on Human Rights into UK law by the 1998 Human Rights Act.

As I have argued, in their articulation of asylum policy since 1998, however, Labour have gradually distanced themselves from celebrating 'human rights' priorities and towards those of 'securing' the asylum system. Straw's comments to the House of Commons in the immediate aftermath of the Stansted hijack clearly suggested that some revision of Britain's relationship to its international human rights 'obligations' might be considered, and in 2004, a speech by Tony Blair to the Confederation of British Industry, clearly intimated that 'human rights' had become somewhat 'outmoded' in light of new migration 'challenges' Britain faced: 'It became increasingly apparent that our asylum system was being widely

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97 Indeed, Cameron asserted: 'I believe it is wrong to undermine public safety – and indeed public confidence in the concept of human rights – by allowing highly dangerous criminals and terrorists to trump the rights of the people of Britain to live in security and peace'. Cameron, D. (2006). "Achieving Lasting Peace and Security, at home and abroad: Speech 15th August 2006." Retrieved 4th January 2007, from [http://www.conservatives.com/popups/print.cfm?obj\\_id=131435&type=print](http://www.conservatives.com/popups/print.cfm?obj_id=131435&type=print). (p.11) Whilst given a B- by his ex- Oxford PPE professor, Cameron's soundbite 'British bill of rights' proposal can be seen as a rather astute political strategy.

98 As Teresa May neatly expressed it in her speech to the Conservative Party Conference in 2002. May, T. (2002). FULL TEXT: TERESA MAY'S CONFERENCE SPEECH. Guardian. London.



abused. The UN Convention on Refugees, first introduced in 1951...has started to show its age.' (Blair 2004)

In his response to the asylum appeal ruling on the 'Afghan Hijackers' in August 2006, John Reid made clear his intention to bring forward legislation for 'new powers to deny people in this position leave to remain.' (Reid, cited in *Daily Express*, 5th August 2006) From this perspective, the Asylum and Immigration Bill, outlined in the 2006 Queen's speech to 'tackle immigration crime and protect the public, making it easier to deport those who abuse our hospitality and break the law' seems a little less 'simply about' instituting increasingly draconian rules to oppress asylum seekers, and a little more about a contingent hegemonic discursive strategy on New Labour's part to maintain its political legitimacy as the guardians of national security. (HM Government 2006)

Whilst still frequently cited, as discussed in earlier chapters, Britain's 'proud tradition' of providing sanctuary to those who need it, has, in the discursive space of asylum, been systematically qualified - signified as an ideal which needs to be 'weighed up' against a range of other considerations - not just the anticipation that the system will be 'abused' by undeserving migrants, but that promoting 'human rights' necessarily involves exposing the state's vulnerability to criminality and national security threats. In the immediate aftermath of 7.7, an article entitled, 'FAILURE TO SECURE OUR BORDERS DEFIES BELIEF', columnist Melanie Phillips of the *Daily Mail* epitomised this simplistic discourse of oppositions within which 'human rights' has now been firmly articulated:

at a time of unprecedented danger, this country's ruling elite has self-indulgently postured on human rights and the "diversity" agenda with reckless disregard for the paramount priority of defending and preserving public safety. (*Daily Mail*, 8th July 2005)

Both Labour and Conservative parties strive through their political rhetoric and policies to simultaneously accept 'human rights' as a noble ideal, as they emphasise that 'human rights' in its particular manifestations harbours the potential to threaten security. Each party endeavour to reinscribe a different, more complex, transactional relationship between human rights and societal control, predicated on the idea that 'a new balance' is required between the two in order to best serve 'the public interest' and to assure the people that a

‘trumping’ of national security by human rights, would not be allowed to happen on their watch.<sup>99</sup>

In the area of asylum policy discourse, the contingency of the meaning of ‘human rights’ is clearly revealed. Whilst seemingly fairly fixed following the institution of international human rights instruments in the post-World War Two period,<sup>100</sup> like all signs, in its essential ‘iterability’,<sup>101</sup> the meaning of ‘human rights’ has never been ‘absolutely anchored’. Rather, ‘human rights’ can be seen as a ‘floating signifier’, and its definition or ‘articulation’ an object of political struggle.

On the one hand, a logic of equivalence instituted by securitising discourses in government policy, especially around asylum, exclude ‘human rights’ from the discourse of ‘the nation’ presenting it as antagonistic to the present order.<sup>102</sup> However, being ‘even tougher’ on asylum<sup>103</sup> also represents a mechanism through which the signifier ‘human rights’ as a ‘universal value’ can be tempered – and transformed within a securitising discourse.

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99 Measures taken in the area of securitised migration post 9/11 have, as Waldron notes, often been justified on the basis of re-establishing a ‘balance’ between security and liberty. Waldron, J. (2003). "Security and liberty: The image of balance." *Journal of Political Philosophy* 11(2): 191-210.

100 1948 Universal Declaration on Human Rights and the 1950 European Convention on Human Rights and subsequent protocols.; (1948). Universal Declaration on Human Rights. United Nations.

101 Derrida’s work emphasises the iterability of the sign, and is concerned with ability of social agents to reanimate the discursive resources upon which they can draw, while giving them a different meaning at the same time:

‘Every sign, linguistic or nonlinguistic, spoken and written (in the usual sense of this opposition), as a small or large unity, can be cited, put between quotation marks; thereby it can break with every given context, and engender infinitely new contexts in an absolutely nonsaturable fashion. This does not suppose that the mark is valid outside its context, but on the contrary that there are only contexts without any center of absolute anchoring. This citationality, duplication, or duplicity, this iterability of the mark is not an accident or anomaly; but is that (normal/abnormal) without which a mark could no longer even have a so-called “normal” functioning. What would a mark be that one could not cite? An whose origin could not be lost on the way?’ Derrida, J. (1982b). *Margins of Philosophy*. Chicago, University of Chicago Press. (p.320-1)

102 According to Howarth: ‘hegemonic practices presuppose a social field criss-crossed by antagonistic relations, and the presence of elements which can be articulated by opposed political projects striving to hegemonize them’ Howarth, D. (2000). *Discourse*. Buckingham & Philadelphia, Open University Press. (p.110)

103 As a realm of ‘human rights’ within which (a now long-standing political consensus exists that) it is ‘justifiable’ to keep out or deport some of those “problematic” identities which are signified as “undesirable” and unwelcome. The Asylum and Immigration Bill for example, was presented in the Queen’s speech in 2007 as a means by which to ‘tackle immigration crime and protect the public, making it easier to deport those who abuse our hospitality and break the law.’ (2007). QUEEN’S SPEECH IN FULL. [BBC News Online](#). London.

## Summary

In this chapter, I have argued that asylum in the contemporary conjuncture is articulated within a powerful set of discourses concerned with defending the security and identity of the British nation. I have argued that these discourses have been contributing to a shift in the meaning, or the 'rearticulation' of human rights. The sedimentation of the negative, 'threatening other' and 'system in crisis' discourses surrounding asylum, (as discussed in earlier chapters) has contributed, I would argue, to the emergence of the conditions of possibility for the seemingly now 'common sense' discussion of 'human rights' as a threat to national security. The word 'asylum' is now 'discursively loaded' with connotations of threat – a point which renders it a powerful element within any media or political discourse.

These arguments, I would contend, demonstrate clearly why there is an inherent problem with a simple 'appeal to human rights' as the basis for any counter politics seeking to articulate asylum more progressively, and challenge its negative and stigmatising representation. Rather, and as I will go on to discuss in the next chapter, a far more wide-ranging counter-hegemonic strategy is required, which would move beyond what Chantal Mouffe has called the, 'possessive liberalism' of liberal democratic human rights in order to disrupt rather than operate within existing securitising discourses of asylum. (Mouffe 2005)

## Chapter 7: Conclusion

The construction of an *asylum crisis* as the dominant hegemonic asylum discourse under New Labour might on the surface be accounted for by a set of objective conditions. It might be argued, as my study has demonstrated many have, that these might include such things as increased asylum seeker numbers, the presence of a shelter open to asylum seekers who travel across the channel to Britain, and challenges presented to domestic law and policies of politicians to promote national security. However, my analysis has sought to demonstrate that such apparently 'objective' conditions – the ostensible 'facts' about asylum are meaningful as such only through their construction within discourse. Seen through a discourse theoretical lens, 'facts', 'truths' or even merely 'information' about asylum become neither as straightforward to identify, and secure in their meaning, nor as 'objective' as they portend to be. Indeed, knowledge about asylum having represented a significant 'issue', or more threateningly 'a crisis' in Britain under the present government is, following Foucault, the outcome of the operation of power, in complex ways and across multiple discursive sites. (Foucault 1980; Foucault 1991 [1977])

In part, the dominant discourse surrounding asylum, which as I explored in chapter four has constructed it as 'a crisis', has its conditions of possibility in the coupling of the so called, 'crisis of the nation state' and prominent contemporary concerns about national security. Within such a context, where the potential instability or fragmentation of national political systems and social order might not appear as entirely remote or unlikely possibilities, political actions or proposals articulated as 'for the protection' of the people of the nation are perhaps more difficult to counter, and more readily consented to than those which derive their force and secure their meaning in relation to alternative social imaginaries. According to Bloch and Schuster, the connotative links between asylum and border security are premised upon an anxiety about the notion that there are forces beyond the jurisdiction and ready influence of any individual nation-state. These anxieties and those surrounding a supposed 'crisis' surrounding asylum have been:

translated into a crisis of control – of borders, welfare states, national identities and societies and of security in the wake of 11 September bombing. Since government

had made control an essential task of the state, the increasing difficulty facing states wanting to prevent or channel the mobility of strangers across their borders was presented as a danger to society and to the state itself. (Bloch and Schuster 2005b: 492)

In the preceding chapters I have explored the idea of a 'translation' of the term 'crisis' within asylum discourse between the constructs 'asylum *as* a crisis' and 'asylum system *in* crisis', where the former is held to signify an intense and undesirable policy 'problem', and the latter a kind of 'second order' crisis of control over the implementation of those policies. In the sedimentation of this discourse, it has become 'self-evident' that the phenomena of asylum seekers seeking refuge in the UK, especially during the early New Labour years, represented a crisis, or at least a serious problem for the UK. This common sense, or dominant hegemonic discourse, has then been both reproduced and reinforced by (and has itself served as a resource for the construction of) those discourses about the asylum system *in* crisis (as explored in my examination of the case of the Afghan hijackers, human rights and national security in Chapter Six).

Indeed, the idea of an 'asylum crisis' has also played a part as both a kind of 'symptom' and as a 'cause' for a supposed wider crisis of governance and of political representation under New Labour. It has brought into focus and sometimes called into question the strength of New Labour's management of questions of sovereignty vis-à-vis the European Union (for example, in relation to Sangatte), and international law more generally (for example, international human rights law in the case of the so called, 'Afghan hijackers') as well as making cameo appearances within news media narratives focused upon political crises, especially in the months leading up to the end of Tony Blair's premiership. (Gross, Moore et al. 2007) However, the implication of the discursive slippage between 'asylum system *in* crisis'-'asylum *as* a crisis' means that 'asylum crisis' always already signifies something beyond the particularity of New Labour's political power and competency, to raise questions about the system and the power of the democratic nation-state.

In exploring contemporary discourses surrounding asylum, therefore, my analyses have been directed beyond the apparent immediacy of formal representative politics and political communication towards more fundamentally structural questions about the role of asylum

discourse in the articulation of a social order and a social imaginary in relation to which that order has been constituted and maintained. (Laclau 1990) It has been suggested that a crisis of the political imaginary of the British nation finds a negative expression through an antagonistic relation with the figure of the asylum seeker as a 'threatening cultural other' – an identity which is at the same time articulated as something like a non-identity - an abject position from which 'our' own vulnerabilities and insecurities as citizens of democratic nation states might be exposed. (Kristeva 1982; Nyers 2003; McNevin 2006; Tyler 2006) The 'experience' of the encounter between those who belong - nationals, citizens with asylum seekers, I would argue, is at the limit of what an encounter might mean. As explored above and in particular in relation to questions surrounding asylum detention in Chapter Five, a conceptual (and physical) distance between asylum seekers and the 'mainstream' settled population is discursively (re)produced, maintained, policed and legitimated. In a condition of abjection and demanding our hospitality, asylum seekers are not just positioned as 'not us', but also anti-our secure existence as citizens of a democratic nation state. The encounter is therefore an experience at 'the limit of all objectivity' – one of antagonism. (Laclau and Mouffe 1985: 112) Although differing in theoretical orientation and approach, these arguments address some important questions relating to what a range of scholars have referred to (in variously theorised and convincing ways) as a, 'politics of fear' in contemporary liberal democratic societies. (Altheide 2002; Furedi 2002; Bourke 2005; Altheide 2006; Furedi 2006)

Decision-making is central to the politics of asylum at many levels, with decisions and decision-making materially evident at a multitude of sites within the asylum system. Following Derrida, decision-making can be understood as a moment of madness – a leap of faith in an undecidable terrain. (Derrida 1988 [1977]) Perhaps most fundamentally however, decision-making is radically politicised when articulated with the notion of 'crisis' – when a decision is demanded in a moment of instability, and when the undecidability of a decision is laid bare. For Bauman, an asylum seeker is the embodiment of an undecidable – a figure who cannot, due to conditions of liminality, conform to either polarity in the dichotomy through which he or she is defined (inside/outside). For example, in a discussion of asylum camps, Bauman contends:

As to their new “permanently temporary” location, the refugees are “in it, but not of it”. They do not truly belong to the country on which territory their portakabins have been assembled or their tents pitched. From the rest of the host country they are separated by an invisible, but all the same thick and impenetrable, veil of suspicion and resentment. They are suspended in a spatial void in which time has ground to a halt. They have not settled, but neither are they on the move; they are neither sedentary nor nomads. In the habitual terms in which human identities are narrated, they are *ineffable*. They are Jacques Derrida’s “un-decidables” made flesh. Among people like us, praised by others and priding ourselves the arts of reflection and self-reflection, they are not only *un-touchables*, but *un-thinkables*. In the world filled from brim to brim with imagined communities, they are the *un-imaginables*. And it is by refusing them the right to be imagined that the others, assembled in genuine or hoping-to-become-genuine communities, seek credibility for their own labours of imagination. (Bauman 2003: 141)

As Imogen Tyler notes, in this sense the asylum seeker can be said to serve, ‘as a trope for theorizing the political constitution of the present’. (Tyler 2006: 185)

Reading asylum discourse in contemporary British culture through a post-Marxist and post-structuralist theoretical lens, I have sought to demonstrate how the meaning of asylum in Britain in the contemporary conjuncture is constructed: always already a reiteration in Derridean terms – a development of ideas which seem at once familiar and new. However, I have examined asylum as a history of the present, borrowing from Foucault and others to explore how the dominant ‘truths’ about asylum are a function of power/knowledge and as such inform received ideas or common sense notions about who asylum seekers are and the threats they supposed to represent to the British people and the security of the nation. From a sense of injustice at the positioning of asylum seekers within these dominant hegemonic discourses, and in opposition to the antagonism towards asylum seekers and the very principle of hospitality inherent to anti-asylum discourse, my reading is also intended as a progressive intervention – a point from which asylum might be thought very differently - rearticulated in such a way that perhaps a ‘proud tradition’ on asylum can be imagined and become possible.

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