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Illegals//legales: Comparing Anti-Immigrant/Anti-Refugee Discourses in Australia and Spain

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Introduction

This article analyses and compares government and media representation of ‘illegal’ immigrants in Spain and Australia. Despite some obvious differences in the two case studies, the study reveals remarkable similarities in the development of national ‘border protection’ discourses in an age of globalisation. It is argued that both national examples of ‘anti-immigrant’ discourse show clear signs of elite manipulation of historically entrenched popular fears, and seek to define immigrants and refugees as a social problem which is threatening to both national sovereignty and identity. We examine these case studies to illustrate the argument that border protection discourse is emerging in mid-level Western states as a symbolic substitute for the ‘old nation’ which regulated a national economy, minimising various forms of social and economic ‘risk’ for its citizens. In an age of increasing transnational mobility, the public representation of forced (Australia) or economic migrants (Spain) tests the limits of globalisation ideology, as the exclusion of certain others from modes of transnational mobility becomes central to maintaining popular conceptions of national ‘borders’. In their focus on national sovereignty and the integrity of state borders, these modes of representation tend to elide the critical distinctions between the ‘push factors’ driving the two migration flows, conflating them in their exclusive focus on the developed host nations’ so-called ‘pull factors’. Despite their high success rate in application for convention refugee status—up to 90 per cent in the case of Iraqi and Afghan asylum seekers—the tag of ‘economic migrants’ seeking opportunity rather than asylum highlights the common ground in the ‘border protection’ discourse of the two countries. These discourses have a strong contemporary role in the construction of both national identity and state sovereignty in a global age.

‘Border Protection’ in a Global Age

In the broadest sense, discourses may be understood as ways of thinking, speaking and acting which appear to be natural or inevitable, but which have been constructed by the exclusion of other ‘knowledges’.¹ For Howarth² discourse theory ‘analyses the way systems of meaning... shape the way people understand their roles in society and influence their political activities’. As such, it examines the social production of knowledge, and the construction of ‘limits’ or boundaries of particular identities through the exclusion of particular ‘others’. Such meanings depend upon a ‘socially constructed system of rules and significant differences’.² Rather than seeing agents as actors with immanent or objective ‘interests’—which may or may not be concealed by the predominant ideology of a given society—discourse theory examines the way political interests are discursively produced in

attempts to fix the meaning of social relations, political identities and cultural antagonisms. For example, representations of collective or national identity may seek to 'fix' the meanings of social relations, and the role of political actors within them.

Discourses may therefore be understood as symbolic attempts to 'resolve' perceived social tensions.³ Increasingly, insecurity and risk are prominent themes in Western societies, particularly in the context of neoliberal globalisation, which is characterised by the decline of the economically protectionist policies. The tension between globalisation as a neo-liberal ideology of 'openness', and the border protection strategies and policies of developed nation states is, for Arjun Appadurai, one key example of the 'disjunctive flows' characterising the global era, as states open and close borders according to whether or not the people concerned bring capital. This is reflected in the near universal contrast between a neoliberal globalist discourse of 'openness' and 'reform', and the rise of national vernacular discourses about 'globalisation', which are typically concerned with how to protect cultural and economic autonomy, and often explicitly exclusionist.⁴ For Zygmunt Bauman,⁵ one of the key pathologies of rapid modernisation is the production of 'human waste'; populations unwanted by global capitalism, and blocked by nation states to which they seek entry. As Zedner writes, 'Northern' states are 'casting around for spheres of activity in which they can assert sovereignty' in an age of increasingly unregulated capital flows.⁶ Tellingly, refugees and economic migrants are uniquely suited to the role of scapegoats for popular uncertainties about the new global elite, being equally 'untied to any place, shifting and unpredictable'.⁷ Thus refugees and economic migrants become 'effigies' to national insecurity about globalisation, as states, unable to placate uncertainties of their populace, refocus on 'objects within reach....those they can at least make a show of being able to handle and control'.⁸

Border protection discourses may therefore be understood as 'compensatory' forms of populist rhetoric which offer a revamped sense of national protection where global capital flows are increasingly unregulated. The need for new symbolic reassertions of 'national borders' may be seen as a response to forms of dislocation—or identity crises—resulting from structural change.⁹ These dislocations prompt the need to articulate new and modified discourses of national identity, capable of 'suturing' these dislocated structures by providing imaginary solutions. These new forms of 'border protection' exclusionism, now common across much of Europe and other Western societies, also respond to the perceived 'misrecognition' of the national subject resulting from the structural changes associated with neo-liberalism and globalisation.¹⁰ These discursive attempts to mobilise subjects are more likely to succeed where structural changes can be represented as a threat to the sense of collective identity.¹¹ We argue that in both Australia and Spain, this process is evident in the rise of anti-immigrant discourses which draw upon popular historical visions of the respective nation states.

Comparing Spain and Australia

While 'border protection' themes in each country focus on distinct forms of migration, the discourses used to dehumanise and represent 'Illegal' threats to national sovereignty and social order have much in common. Indeed, the similarities in the representation of so-called

‘illegal’ refugees (onshore asylum seekers) in Australia, and economic immigrants in Spain demonstrate that the range of ‘discursive strategies’ available to those seeking to demonise immigrants is much the same around the world. Equally, the indifference of such discourses to the distinct push factors at play in each example merely emphasises the centrality of the ‘host’ national subject to these visions of global order and disorder. Despite profound cultural and historical differences, Spain and Australia are again comparable in that both may be considered western ‘middle powers’. Until the demise of the Aznar Government in March 2004, recent governments of both nations were core supporters of the US-led ‘coalition’ in Iraq, suggesting further ideological similarities in the period under discussion. Equally, following the entry of Spain into the Schengen Agreement in 1991, which sought a European agreement on harmonising asylum policy sharing refugee flows, both nations are now considered to be policing ‘continental’ borders.¹²

Perhaps most critically, both nations have deep-seated historical fears of invasion and occupation that are capable of resonating with contemporary fears of terrorism, and the broader resurgence of ‘Islamophobia’. Contemporary issues of extreme Islamic fundamentalism have touched both, in tragic ways. However, as these issues predate both attacks in Bali and Madrid, larger questions are suggested. Both nations have recently been subject to widely reported speculations of the Islamic ‘Imperia’. Bin Laden has reportedly spoken of *Al-Andalus*,¹³ regarded with nostalgia by Islamists as the halcyon age of Muslim power and artistic achievement. In Australia, the putative desire of Jemaah Islamiyah to create an Islamic ‘super-state’ or caliphate which would include parts of Northern Australia have been widely reported.¹⁴

Importantly however, in making comparisons, it should be acknowledged that Spain faces a ‘problem’ of much larger proportions. In the period under discussion, Spain hosted an estimated 853,000 non-regularised economic migrants.¹⁵ Australia, by contrast, had received fewer than 13,000 onshore refugees over a ten-year period to 2002.¹⁶ The focus, below, on the discursive parallels between two countries should not, we hope, operate to conceal the relative extent of ‘over-reaction’ in Australian press and government circles in this period.

Historical Background: Exclusionism and National Identity

The contemporary reassertion of national borders calls upon deeply rooted and still resonant historical visions of national identity in both countries. In Australia, the ‘White Australia’ policy dominated the nation-building legislative agenda after the federation of Australian colonies in 1901. Immigration restrictions were among the first acts of the Australian parliament, reflecting deep seated fears of ‘invasion’ from the north; the so-called ‘yellow peril’ that would ‘swamp’ the fledgling white Anglo-Celtic culture and society in Australia. These fears resonated deeply in Australian society throughout the early to mid-twentieth century. Despite dramatic demographic changes and the rise of multiculturalism, these fears of cultural displacement of European Australians remained in a ‘latent’ form in popular understandings of Australian identity and nationhood.¹⁷ This was amply demonstrated by the short lived but spectacular rise of the right wing populist One Nation Party in the late

1990s, which sought to severely restrict immigration and opposed the ‘balkanization’ of Australia through multicultural policies.¹⁸

In Spain, the fall of the last Moorish kingdom of Granada in 1492 coincided with the union of the kingdoms of Castilla y Leon, and Aragon. The ‘reconquest’ of Al-Andalus after eight centuries of Moorish occupation is popularly credited as the birth of Spain as a culturally unified nation. Following the union of the Crowns under Isabella and Ferdinand, large numbers of Spanish Jews (and, some years later, Muslims) were expelled. While there are critical distinctions to maintain between settler societies like Australia and ethno-nationalism of European nation-states, there are symbolic parallels between this moment of Spanish unification and the deportation of Pacific Islander labourers following Australian federation, central to the cultural construction of ethnonationalism in each country. Along with ‘competitive’ (or economic) racism, a major motivation behind Australian federation was the fear of invasion from Asia, and the belief that the separate colonies united would more effectively maintain an exclusionist immigration policy. In both cases, the rise of the nation state was intimately associated with the active exclusion of ‘others’ considered threatening to social and cultural values of the dominant ethnic group.

‘Illegal’ Refugees / ‘ilegales’ Economic Immigrants

In Spain, the issue of onshore refugees has a relatively low profile, despite a growing number of asylum applications in recent years, particularly from Nigerian, Cuban and Colombian nationals.¹⁹ The dominant issue is of ‘illegal’ economic migrants from Eastern Europe, North and Central Africa. According to the last census and the Home Ministry, the estimated number of non-regularised economic migrant people that live in Spain is close to 853,000.²⁰ By contrast, the geographic isolation of Australia restricts the issue of unauthorised economic immigrants to relatively small numbers of visa ‘overstayers’. Nonetheless, from the late 1990s onward a clear pattern of representing onshore asylum seekers arriving by boat in Australia as ‘economic migrants’ emerged.²¹ Despite their high success rate in application for convention refugee status —up to 90 per cent in the case of Iraqi and Afghan asylum seekers—the tag of ‘economic migrants’ seeking opportunity rather than asylum suggests a parallel in the ‘border protection’ discourse of the two countries.

Indeed, the general pattern of media representation portrays refugees and immigrants as similar phenomena. In media and popular perspectives, refugees and immigrants are usually represented as an homogeneous group that poses similar problems of border protection and sovereignty to the nation. In Spain, the study of Duran et al.²² concluded that the portrayal of refugees in newspapers tends to blur the distinction between refugees and immigrants. In general, the focus of media reports is similar for both groups, emphasising the issues of police controls, public order or the inhuman conditions of their home countries.

Importantly however, this conflation of the refugee and the economic migrant is exclusively limited to foreign nationals arriving from Third World countries. According to García-Castaño and Granados Martínez,²³ there are two primary terms used to describe people from other countries in Spain. On the one hand, the term *‘extranjero’* (‘foreigner’ or ‘stranger’) is generally employed to denote a citizen of another Western country. On the other, the term

'inmigrante' ('immigrant') is reserved for those from North African, or in some cases, Latin American and Eastern European countries. These are also known as 'illegals' or *'sin papeles'* (without papers). While both may be conceived of as 'others' in the national landscape, the latter term carries with it a sense of threat to sovereignty and identity, national order, or to scarce economic goods.²⁴

This representational schema has parallels with the Australian uses of the distinct terms 'overstayer', denoting a Western citizen on an expired tourist or working visa, and 'illegals' or 'queue jumpers', denoting onshore asylum seekers arriving by boat from third world countries. For several years now, the primary public labels employed to describe onshore asylum seekers have been those of 'queue-jumpers' and 'illegals'.²⁵ The term 'queue-jumper' has been particularly prominent in public discourse; a term designed to suggest that onshore arrivals are undeserving - having taken a resettlement position from a more worthy (and certainly more grateful and compliant) 'offshore' refugee. Playing upon notions of fairness and orderliness, the former immigration minister likened onshore asylum seekers to 'thieves' who 'steal' places from genuine refugees. Despite the absence of any real 'queue' in receiving countries such as Pakistan, Iran and Indonesia,²⁶ this language has been effective in depicting asylum seekers as a deviant group unworthy of protection.

The 'verbal master stroke'²⁷ of the 'illegal' tag defines immigrants/refugees as a problem of social order, criminalising the immigrant/refugee as a deviant threat to national citizens. Decontextualised reports and images of overcrowded boats reinforce the belief that immigrants and refugees are dangerous. As one Australian refugee on a temporary protection visa noted in an interview:

the media has a significant effect on the people... in radio stations and newspapers, they make us sound like we're killers, criminals, illegal, and disrespectful of others. By that, the Australian people are scared of us, because the word "illegal" has a big effect on settled and safe societies. Australians don't know anything about asylum seekers, there's no one to tell them about us.²⁸

This binary mode of representation also has parallels in the official and popular depiction of onshore refugees as 'illegals', and 'offshore' refugees who arrive through Australia's humanitarian resettlement program as orderly, compliant and above all, 'deserving' refugees.²⁹ More generally, as Ghassan Hage notes,³⁰ the very word 'migrant' in Australia tends to stand in vernacular usage for 'ethnic' or non-Anglo migrant.

The 'Pull Factor' / 'Efecto llamada'

As Peter Mares notes,³¹ Australian media coverage has been largely fixated upon ideas of Australia's 'pull' factors—suggesting a phenomenon of economic migration, rather than the 'push' factors that force refugees to leave their homes in the first place. Sharon Pickering, in her survey of the treatment of refugee and asylum seeker issues in the Australian media, draws a similar conclusion to Mares:

with few exceptions, reports on asylum seekers and refugees have not been interested in listening to the voices of asylum seekers, nor of home country

conditions or conditions of flight. When alternative views are offered, they are usually presented as ‘human interest’ stories rather than ‘hard’ news.³²

Throughout the election year in 2001, the Australian federal government continued to reinforce popular misconceptions with official statements about refugees ‘seeking migration outcomes’. This official language of asylum seekers pursuing ‘outcomes’, exemplified below in a statement by former Immigration Minister Philip Ruddock, misses the central role of ‘push factors’ in the phenomenon of forced migration:

... we sought ... to get improvements to our law to reduce the pull factor. It meant that people would rather risk a dangerous journey to make their claims here because they thought they'd get better outcomes ... one of the major factors involved is that people are seeking migration outcomes when they get on these boats and come to Australia.³³

In Spain, throughout the debate over the revision of the Immigration Law, public figures expressed concerns about the existence of legislative and economic ‘pull factors’ driving forms of international migration. Then Minister of the Interior, Jaime Mayor Oreja argued in 2000 that ‘we know there is a pull factor’ in the economic development of Spain. In addition, he said that ‘the Immigration Law might have produced this pull factor in the last months’.³⁴ As recently as August 2004, the (now) opposition party Partido Popular was arguing that the government proposals to regularise and legalise some ‘inmigrantes sin papeles’ would provoke chaos and an uncontrollable process of illegal migration that would ‘escape the hands of government’.³⁵

Border Protection and National Identity

Throughout the period under discussion, senior Government figures and elements of the mainstream press in Australia sought to portray the arrivals of onshore asylum seekers as a national ‘crisis.’ The representation of the issue as one of ‘border protection’—and of the Government bravely standing up to various forms of international pressure—enhanced the view among sections of the Right that the issue was no less than one of national sovereignty. The Prime Minister's 2001 election message that ‘We will decide who comes to this country and the circumstances under which they come’ played directly upon this fear. Today, Australians no longer pass through customs on their return home; they go through ‘border control.’ In this, and other attempts to stigmatise asylum seekers seeking protection, the Government attempted an interesting role reversal: it was Australia, and its borders that needed protection from asylum seekers.³⁶ The longstanding uses of terms such as ‘floods’ or ‘waves’ of refugees seek to represent unauthorised arrivals as a threat to the integrity of the nation-state.³⁷ In Spain, similar images were evident with the Partido Popular government promising ‘to armour-plate the Strait’,³⁸ and later, the then opposition Partido Socialista Obrero Español (PSOE) promising to ‘work intensively to stop the flood of illegal immigration that assaults Spain’,³⁹ and threatens to ‘saturate’ the labour market.⁴⁰ The long-serving conservative Catalanian governor Jordi Pujol predicted the ‘end of Catalonia’.⁴¹ A similar, but more nuanced fear was expressed by Joan Puigcercós, Secretary General of Republican Left of Catalonia who claimed that ‘the process of globalisation and cultural mixing’ would result in a ‘loss of identity for Catalonia’.⁴² These common images of floods

(*mareas*), avalanches (*avalanchas*) or waves (*olas*) of illegal migrants strongly invoked notions of invasion, and presented an image of immigration of refugees and, in Spain, economic migrants as a fundamental threat to national identity. As we examine below, this issue reached a peak in the political agenda of 2000 and 2001 elections in Spain and Australia.

Immigration and National Elections 2000/2001

In January 2000, a coalition of Spanish parties was successful in passing the Basic Law on Rights and Liberties of Foreigners in Spain.⁴³ This new legal framework for immigration replaced the Aliens Law of 1985. Where the previous law was focussed on the regulation of immigrant flows, the reform law of January 2000 outlined innovative measures for the social integration of migrants, and extended a number of rights to foreign immigrants in Spain, becoming 'the most progressive law on immigration matters in Europe'.⁴⁴ Vigorously opposed by the Aznar's conservative Partido Popular for its perceived 'pull factor', the immigration reform law became a critical issue in the March 2000 election campaign. Throughout the campaign, Partido Popular blamed illegal migrants for episodes of civil unrest in the country, warning that 'we cannot establish the most progressive legislation in the European Union'. The Home Minister at the time, Jaime Mayor Oreja, argued that 'we have to be reasonable, careful and be aware that we cannot presume to be a people that are not xenophobic'.⁴⁵ Partido Popular was re-elected with a majority the following March, promising to immediately institute a restrictive 'counter-reform' to the new immigration law.⁴⁶

In Australia, the federal election campaign of 2001 defined asylum seekers as a political problem, or 'crisis', and witnessed the rise of a new set of asylum policies, ominously entitled the 'Pacific solution'.⁴⁷ The human impacts of these policies were profound, creating an expensive and unsustainable policy of exporting onshore arrivals to Australia's Pacific neighbours. For temporary protection visa holders in particular, the government's rhetorical depiction of asylum seekers as 'undeserving' economic migrants was directly paralleled by policy changes, which denied a range of rights and services to 'onshore' arrivals found to be refugees.

Most disturbingly, a systematic pattern of government misrepresentation sought to portray asylum seekers as serial child-abusers.⁴⁸ This was not limited to the most well-known and notorious case of the 'children overboard' incident, in which asylum seekers were wrongly accused of throwing their children in the sea when confronted by the Australian navy. Other episodes include the claim made by Liberal senator George Brandis that 'a potential illegal immigrant [had] attempted to strangle a child'. A subsequent Senate inquiry found that navy witness statements reportedly relating on this alleged episode did not exist.⁴⁹ In the case of the lip-sewing protests of Afghan hunger strikers, Government responses also involved unfounded accusations of child abuse.⁵⁰ It was alleged that adult detainees had forcibly sewed the lips of children. Separate investigations by the South Australian Government and the Human Rights and Equal Opportunity Commission, with the cooperation of Australian Correctional Management found no evidence of parents encouraging children to engage in acts of self-harm.⁵¹ This too was found to be an unsubstantiated allegation, but a pattern or

regime of representation was now apparent. Under pressure, or to gain electoral mileage out of their tough stance, the Government appeared quite willing to portray asylum seekers as an irresponsible and aberrant group, hostile to Australian standards of decency and parental responsibility, with little regard for their children's well-being or safety.⁵² The tough stance of the government towards the small number of onshore asylum seekers was a defining issue of the 2001 election campaign, and was widely held to be a key factor in the government's re-election.⁵³

Legislative Changes

The 'Contra-Reforma' to the Ley de Extranjería was passed in December 2000, coming into force on 23 January 2001.⁵⁴ Effectively, the modifications of the Immigration Law nullified the reformist emphasis on integration and settlement, returning the legislative framework to the policing and control paradigm of the original 1985 legislation.⁵⁵ The primary changes introduced by the counter-reform strengthened provisions for repatriation of illegal migrants; the limitation of rights extended by the original 2000 law to promote social integration (limiting the right to assemble, to associate, to join trade unions and strike to legal immigrants); and extending the period of residence in Spain required to immigrants to regularise their situation from two to five years.⁵⁶ Subsequent amendments in 2003 further restricted the immigration law to allow for fast-track expulsions, detention of illegal immigrants, and increased sanctions for people-smuggling.⁵⁷

Between 1999 and 2001 the Australian government systematically introduced a number of controversial measures, some of which were in clear violation of international human rights standards. These measures included the interdiction of boats containing asylum seekers; the forcible return of asylum seekers to Indonesia without guarantees for their protection; the forcible transfer of asylum seekers to the 'offshore processing' camps on the Pacific island nations of Nauru and Papua New Guinea; the 'excision' of Australian territories and islands from the Australian 'migration zone'; and the design of an elaborate Temporary Protection Visa regime, which affords limited rights and an insecure, impermanent status to onshore asylum seekers found to be conventional refugees.⁵⁸

Conclusion

By the following election cycle in 2004, the focus on border protection and 'illegal' migration had been subsumed by the broader—and in both countries—tragic impact of new concerns with national security and terrorism. In this transition, the existing public currency of 'Islamophobia' and border protection offered a clear discursive continuity in campaign themes, albeit with contrasting electoral results for the parties in power. It has been argued here that a comparative analysis of anti-immigrant/anti-refugee discourse in Spain and Australia highlights a number of clear parallels between these culturally and geographically distant nation-states. In one sense, these parallels cast light upon the limits of globalisation ideology for middle-level Western nations. It may be argued that border protection discourse in mid-level Western states has emerged as a populist form of compensation for the decline of the 'old nation', which actively regulated a national economy through mechanisms such as tariffs, industry and social policy. While these older forms of national regulation have by no means disappeared, they are benefiting fewer members of national economies in a global

age. The retreat of the interventionist nation-state has proved fertile ground for populist anti-immigration discourses which symbolically reassert national borders, and identities, in the face of dramatic social and economic change.

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