Norm Circles, Stigma and the Securitization of Asylum: A Comparative Study of Australia and Sweden

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ABSTRACT

This thesis seeks to answer the question: why has asylum seeker policy in Australia been constructed politically as a response to a purported national security threat, but not so in Sweden, which proportionately has a much higher rate of asylum applications, and which is more accessible geographically than Australia? In other words, why has the securitization of asylum been unsuccessful in Sweden and yet highly successful in Australia? While both Australia and Sweden have similar international legal obligations to asylum seekers, different policies have been pursued in Australia because norms inherent in the Refugee Convention have been rejected in favour of alternative political norms, which serve the short-term interests of politicians who determine policy, and there is no countervailing influence strong enough to support the norms of international law. I argue that the securitization of asylum is successful when there is a stable relationship between a dominant securitizing actor and members of the audience based on their mutual endorsement and enforcement of hegemonic, exclusionary norms. Where the nature of the political system is majoritarian, as opposed to consensus-based, securitization speech acts are more likely to be accepted, particularly when the exclusionary norms underpinning the securitization discourse are unchallenged. A supplementary precondition for successful securitization is that exclusionary norms are reinforced by ethnic conceptualizations of national identity. Further, in determining whether norms of international law are accepted or rejected, a key role is played by the political use of stigma to support or reject international legal norms. The main contribution of the thesis lies in a conceptualization of the agency of securitizing and non-securitizing actors, as well as target audiences, as members of norm circles. The case study of Sweden demonstrates how hegemonic power is used to wield stigma towards a minority party, so as to prevent the already politicized issue of asylum from becoming a securitized issue. This is so despite the rising popularity of the Sweden Democrats, and the extraordinary influx of asylum seekers to the country since 2015. The case study of Australia demonstrates how hegemonic power is used to wield stigma in a compelling way against those who challenge the securitization of asylum policy and against asylum seekers, in order to allow the issue of asylum to remain highly securitized.
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My thesis is dedicated to my grandmother, Eyleen Rebeiro, and to every person who seeks to belong.
Introduction

“The question is not, as for Hamlet, to be or not to be,
but to belong or not to belong.”

Marcel Proust (1999: 572)

The 1951 United Nations Convention relating to the Status of Refugees defines a refugee as someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. An asylum seeker is an individual seeking international protection and whose refugee status is yet to be determined. Signatories to the Refugee Convention are obliged to protect asylum seekers and respect the Convention as both a status and rights-based instrument, underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement. While international law seeks to ameliorate the vulnerability of an asylum seeker’s rightless position by restoring his or her human rights, the asylum seeker’s right to dignity, and to life, remains at the mercy and discretion of the individual state. Importantly, the safeguards provided by the Refugee Convention may be disregarded by states with different outcomes, including the securitization of asylum seekers.

The 1951 Refugee Convention stipulates that refugees should not be penalized for their illegal entry or stay, but the protection of asylum seekers is dependent upon whether or not their host state respects its international obligations under the Convention and international law. Australia was one of the first countries to become a state party to the Refugee
Convention, on 22 January 1954. Australia became a party to the 1967 Protocol relating to the Status of Refugees on 13 December 1973. Sweden became a signatory to the Refugee Convention on 26 October 1954 and its Protocol on 4 October 1967. As signatories to the Refugee Convention, both Australia and Sweden are obliged to protect the rights of refugees and uphold their legal obligations towards refugees and asylum seekers. Unlike Sweden, Australia has disregarded its obligations towards asylum seekers and, instead, constructed the issue of asylum as a national security threat for short-term electoral advantage. Although Sweden received the highest number of asylum seekers per capita in 2014, and maximized its capacity to process and host asylum seekers in 2015, the Swedish government has rejected any construction of the asylum issue as one of threat, security or criminality, and continues to strongly advocate global burden and responsibility sharing for hosting and supporting asylum seekers.

Understanding the securitization of asylum is based on the Copenhagen School’s theory of securitization, which refers to the act of shifting the issue of asylum from the realm of regular politics to that of extraordinary politics. Securitization is the consequence of a successful speech act by which asylum seekers are constructed as an existential threat to the nation, one powerful enough to enable a call for urgent and exceptional measures to deal with the threat (Guzzini 2011). The securitization of asylum, formulated on the designation of forced migrants as a threat to national security, has accompanied the Australian government’s implementation of extraordinary deterrent and punitive measures to prevent asylum seekers from reaching Australia’s shores via boat. While securitization has been successful in Australia, it has not occurred in Sweden despite the heavier burden of accommodating asylum seekers there.

On 19 September 2016, Australian Prime Minister Malcolm Turnbull and Swedish Prime Minister Stefan Löfven addressed the United Nations General Assembly in the New York, outlining measures that each government would implement in enacting their commitment to protect rights and share global responsibility for asylum seekers. Alongside other world
leaders, Turnbull and Löfven endorsed a blueprint for a humane, coordinated international response to large movements of refugees and migrants, under the New York Declaration for Refugees and Migrants. However, Australian asylum policy has remained securitized despite the New York decision. Turnbull declared that,

> Australians are not defined by religion or race, we are defined by political values; a common commitment to democracy, freedom and the rule of law, underpinned and secured by mutual respect. These values drive our approach to migration…. We need measures to create order out of the resulting chaos if we are to provide safe pathways for refugees and target those who are most in need (Turnbull 2016).

The Australian Prime Minister’s rhetoric seemed to endorse principles of egalitarianism, human rights and humanitarianism. Under the New York Declaration, Australia committed to protect the human rights of all refugees and asylum seekers, regardless of status; ensure that all refugee and asylum seeker children receive education within a few months of arrival; work towards ending the practice of detaining children for the purposes of determining their refugee status; and strongly condemn xenophobia against refugees and asylum seekers. Yet simultaneously, the Australian government was endorsing and enforcing increasingly punitive asylum policies for boat arrivals of asylum seekers in Australia through its commitment to prohibit ‘boat people’ from ever settling in Australia. It has since re-affirmed its inhumane stance on these asylum seekers. On 8 November 2016, the Liberal-National Coalition government introduced The Migration Legislation Amendment (Regional Processing Cohort) Bill 2016 into the House of Representatives to prevent asylum seekers arriving by boat from ever receiving any kind of Australian visa, including protection visas under the 1951 Refugee Convention. The bill’s proposed lifetime ban is inconsistent with Australia’s international human rights obligations under Article 31(1) of the Refugee Convention, because it discriminates and penalizes asylum seekers on the basis of their method of arrival. In contradiction of the Australian government’s pledge of solidarity with asylum seekers, and declaration to uphold the human rights of asylum seeker children in
particular, the bill violates Articles 3(1) and 10(1) of the Convention on the Rights of the Child (CRC), Article 10(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 21(1) of the International Covenant on Civil and Political Rights (ICCPR) with regard to the rights of the family and their children (Law Council of Australia 2016).

While the issue of asylum remains highly politicized in Sweden, it is not securitized although Sweden receives ten times more asylum seekers per capita than Australia, which practices one of the most securitized asylum policies in the world despite its comparatively small intake of asylum seekers. In his address to the United Nations General Assembly in New York on 19 September 2016, Prime Minster Löfven urged sharing the burden of asylum seekers, and promoted the Swedish model of inclusivity, based on norms of human rights, welfare egalitarianism and solidarity with asylum seekers. The Swedish approach challenges prevailing international trends that legitimize the securitization of asylum, and does not discriminate between the asylum seeker and the citizen, particularly in terms of his or her potential to contribute both culturally and economically to the Swedish welfare state. Löfven stated,

We cannot shirk our obligations and leave the burden to a few. Protection is a shared international responsibility… The relatives Ida Lindgren (a refugee who arrived in Sweden in 1870) left behind saw the beginning of Sweden’s transformation from a poor agricultural society to what is now a leading, industrial nation. This has been achieved peacefully, and through decent work and inclusive growth – turning the wealth of a country into welfare for all (Löfven 2016).

Prime Minister Löfven’s rhetoric echoes Prime Minister Turnbull’s discursive commitment to human rights of asylum seekers, but the actual policies of these countries are very different. Sweden has historically received large numbers of asylum seekers, including the largest number of asylum seekers per capita in 2013-2014 (UNHCR 2015), and hosted more Iraqi refugees than the United Kingdom and the United States combined during the Iraq war
(Ekman 2007). Sweden initiated the granting of permanent residence permits to asylum seekers from Syria in 2013 (Sverigesradio 2013). Although Sweden has revised its policies since the refugee crisis of 2015, imposing temporary restrictions in some areas of asylum policy, it continues to uphold norms of solidarity, egalitarianism and human rights. Asylum seekers arriving in Sweden continue to receive free housing, health and dental care, and free education is provided for children and young adults.

On the margins of the General Assembly on 20 September 2016, Sweden co-hosted the Leaders’ Summit on the Global Refugee Crisis in New York, initiated by United States President Barack Obama. The Summit aimed to galvanize the commitment of states signatory to the 1951 Refugee Convention and the 1967 Protocol to increase funding to humanitarian appeals and international organizations, admit more refugees through resettlement or other legal pathways, and increase refugees’ self-reliance and inclusion through opportunities for education and legal work (U.S. Department of State 2016). By hosting the summit, the Swedish government demonstrated its longstanding commitment to international solidarity with asylum seekers, and global leadership in support of the development of tools and institutional structures to improve the international management and protection of asylum seekers. The Swedish government’s spirit of international solidarity and leadership on asylum protection contrasts sharply with the Australian government’s abhorrent treatment of asylum seekers arriving by boat, who are heavily stigmatized. In Australia, the stigmatization of asylum seekers has been achieved through the use of dehumanizing rhetoric and punitive policies that construct asylum seekers as inferior, illegal, illegitimate and criminal aliens.

In the thesis, I define two categories of norms that determine the successful securitization of asylum, namely, inclusive and exclusionary norms. Exclusionary norms on asylum policy violate the jus cogens norms of non-refoulement and the prohibition of torture, while inclusive norms uphold these jus cogens norms in asylum policy. Exclusionary norms include entrenched practices of inequality, racism, xenophobia and the criminalization of
asylum seekers. On the other hand, inclusive norms that inform asylum policy involve
solidarity, equality and egalitarianism, and are compatible with norms of international human
rights law. Both exclusionary and inclusive norms operate within groups of the political elite
where they adopt either a hegemonic character or one of resistance, depending on the group
that they are attached to. In the thesis, these groups consist of members of parliament who
endorse and enforce either inclusive or exclusionary norms on asylum, and are defined as the
hegemonic norm circle (HNC) or the norm circle of resistance (NCR). The HNC can either
be inclusive or exclusionary. Members exert pressure on each other, through the application
of stigma, to conform to the norm that is being endorsed and enforced by other members of
the norm circle. Here, stigma is the causal power of norm circles, a power that is used to
either reinforce or resist hegemonic norms, as well as establish the existential threat
presented by asylum seekers as the societal out-group. Stigma is the mechanism by which
the hegemonic norm circle preserves itself and its power in determining whether asylum
seekers are included or excluded from a nation’s territorial borders and socio-political
culture.

The *jus cogens* norms of *non-refoulement* and the prohibition of torture derive their
normative character through their entrenchment in various international treaties. Article
33(1) of the 1951 Refugee Convention states that an individual seeking asylum should not be
returned to a country of origin, “where his life or freedom would be threatened on account of
his race, religion, nationality, membership of a particular social group or political opinion”
(UNHCR 2010a: 30). The normative character of the principle of *non-refoulement* has been
established through its incorporation in international treaties adopted at the universal and
regional levels, to which a very large number of states have now become parties, including
Australia and Sweden. The principle was reaffirmed in the 1967 United Nations Declaration
on Territorial Asylum. The principle has been systematically reaffirmed in conclusions of the
United Nations High Commissioner for Refugees’ Executive Committee and in resolutions
Similarly, international human rights treaties including the ICCPR and the CAT have contributed to the elevation of fundamental rights, such as the prohibition of torture, to peremptory norms of international law (de Wet 2004: 99).

In the thesis, I analyse similar periods of political controversy about asylum policy in Australia and Sweden since the late 1980s and early 1990s, with substantial policy differences emerging in 1998/9 to 2001, and becoming entrenched since 2010. Discourse analysis of securitization rhetoric used in the Australian and Swedish elections held since 2010 forms the main empirical focus of the study because it was during this time that securitization was entrenched in Australia while non-securitization was reinforced in Sweden.

With this understanding of asylum policy in relation to norm circles, I seek to answer the following question: Why has the issue of asylum in Sweden remained politicized, that is managed within the standard political system, as opposed to being securitized as it is in Australia, where emergency actions are invoked to contain the supposedly existential threat posed by asylum seekers? The primary hypotheses are as follows:

1) The successful securitization of asylum requires the presence of a stable relationship between a dominant securitizing actor and the target audience, where both actor and audience are members of the hegemonic norm circle (HNC) in parliament. Securitization of asylum is based on the mutual endorsement and enforcement of hegemonic, exclusionary norms that disregard international law, including norms of the 1951 Refugee Convention. In determining whether norms of international law are accepted or rejected, a key role is played by the political use of stigma to support inclusive or exclusionary norms. Stigma can be used in different ways to either undermine the positional power of key actors involved in the securitization of asylum (in-group stigma), or reinforce securitizing actors’ positional power through its use on the out-group (asylum seekers).
2) The nature of the political system is critical in the way that it determines the parties that belong to the hegemonic norm circle and the norm circle of resistance, as well as the stability of relationships between parties of the HNC and the NCR based on the shared norms that members endorse and enforce. I contend that a majoritarian parliamentary system is more likely to foster exclusionary rather than inclusionary norms towards asylum seekers, when compared to consensus-based parliamentarianism. The securitization of asylum is facilitated by a majoritarian political system with a strong executive formed through the competition of major parties for votes in marginal seats in order to win government.

In the thesis, I argue that Australia’s violation of *jus cogens* norms in the securitization of asylum is based on privileging one form of national identity over another, namely an exclusionary ethnic national identity over an inclusive civic one. Ethnic and civic conceptualizations of national identity illustrate key ideas of belonging and membership in a political community, ideas that are central to the conceptualization of the asylum seeker with regard to his or her human rights in a state from which he or she seeks protection. I argue that ethnic conceptualizations of national identity are more hostile to norms of international law, because members of the hegemonic norm circle define the ‘Other’ in terms of a race or culture that is viewed as incompatible with the host society. Exclusionary norms of inequality, racism, xenophobia and the criminalization of asylum seekers as the ethnic ‘Other’ are based on preferential and exclusionary ethnic conceptualizations of national identity. By contrast, civic conceptualizations of national identity are receptive towards norms of international law, as they are more closely related to conventions of solidarity, humanitarianism, human rights and egalitarianism with respect to asylum seekers. The Swedish conceptualization of nationhood is defined by norms of equality, egalitarianism and international solidarity. While Sweden recognizes that the seeking of asylum can require refugees to breach immigration rules, and abstains from imposing penalties relating to the seeking of asylum, Australia liberally engages in the penalization and victimization of
asylum seekers arriving by boat. The exclusionary norms that have acquired hegemonic status in the Australian parliament legitimize the government’s blatant disregard for the \textit{jus cogens} norms of \textit{non-refoulement} and the prohibition of torture.

The securitization of asylum became increasingly entrenched in Australia over the course of the 2010 and 2013 federal elections. Draconian asylum policies that incarcerate asylum seekers arriving by boat in offshore detention centres have become increasingly institutionalized. In May 2016, there were 847 asylum seekers in PNG processing centres and 466 on Manus Island, totalling 1,313 asylum seekers brutalized by the Australian government. By contrast, in May 2016, Sweden was in the process of determining the refugee status of over 160,000 new arrivals, after receiving the largest per-capita inflow of asylum seekers ever recorded in an OECD country between 2014 and 2015. Already by 2015, the Swedish government had introduced innovative polices in the spirit of egalitarianism and solidarity to create new avenues for failed asylum seekers to enter the labour market, and to promote the integration of existing refugees. By contrast, heavy investments were made in Australia to deter and securitize asylum seekers. In 2015-2016, the Australian government spent 1.1 billion dollars managing the offshore processing of (a monthly average of) 1,610 asylum seekers on Nauru and PNG (Parliament of Australia 2016). The fiscal cost of breaching its protection obligations towards asylum seekers under international law, along with the \textit{jus cogens} norms of \textit{non-refoulement} and the prohibition of torture, was AUD 683,000 per head. This total compares to an average cost of AUD 12,000 – 17,500 per year for processing and accommodating asylum seekers in OECD countries, although a much lower amount applies to the fast track processing currently being used in Sweden (OECD 2015).

The exorbitant price of deterrence that the Australian government is prepared to pay to punish and ostracize asylum seekers arriving by boat contrasts starkly with the humanitarian investment Sweden has made in processing and providing for the large influxes of asylum seekers it has received in recent years. To understand why and how Sweden has avoided
securitized policies, while Australia has legitimized a regime of pariah asylum policies, I present a comparative analysis. In Chapter 1, I outline the theoretical framework and key concepts of securitization, focusing on norm circles and the use of stigma. Chapter 2 presents the basis for comparing Sweden and Australia. Although both countries faced similar pressures towards more restrictive asylum policies in the early 1990s, each emerged with very different asylum policies. Key factors that account for the different asylum policies in Sweden and Australia include different political systems, as well as differing dominant norms and conceptualizations of national identity in both countries. In Chapter 3, I examine the different regional frameworks in the European Union and in Southeast Asia that regulate member states’ cooperation on refugee and asylum issues. In Chapter 4, I show that since 2001, successive Australian governments, whether Coalition or Labor, have privileged ethnic national identities and mobilized xenophobic sentiments towards asylum seekers, in order to legitimize the securitization of asylum. An exception to the exclusionary asylum policy trend was Kevin Rudd’s Labor government of 2007-2009. During this time, Rudd’s Labor government advocated humanitarian asylum policies as well as inclusive norms of egalitarianism and equality underlying civic nationalism. However, in the lead up to the 2010 federal election, Prime Minister Rudd, and his successor, Julia Gillard, engaged in the re-securitization of asylum. The focus of the empirical analysis lies in disclosing factors that have influenced the Labor Party’s shift from de-securitization to re-securitization since 2010.

In Chapter 5, I explore the consequences of the Australian Labor Party’s policy ambivalence between 2007 and 2009, which involved the simultaneous enforcement and endorsement of exclusionary norms as well as the human rights norms of international law. The most recent election campaigns have been selected because, as a result of the 2010 and 2013 elections, securitization became entrenched in Australian asylum policy as a bipartisan article of faith.

In Chapter 6, I argue that unsuccessful securitization in Sweden is due to the presence of an unstable relationship between the securitizing actors of the norm circle of resistance (in the form of the Sweden Democrats) and the audience of the hegemonic norm circle, based on the
HNC’s rejection of exclusionary norms which are reinforced by ethnic conceptualizations of national identity. In Chapter 7, I demonstrate how in-group stigma directed against the Sweden Democrats was used to reject securitization speech acts in the Swedish Riksdag in the general elections of 2010 and 2014. Even when large numbers of asylum seekers were arriving in Sweden, and even at the height of the refugee crisis of 2015, mainstream Swedish political parties have resisted the securitization of asylum and advocated humanitarian asylum policies instead, so that the non-securitization of asylum has become entrenched in Sweden since 2010. From the case studies of Australia and Sweden, I argue that the successful securitization of asylum requires the presence of a stable relationship between a securitizing actor and audience of the hegemonic norm circle, based on their mutual endorsement and enforcement of shared exclusionary norms, which is facilitated by a majoritarian political system with a strong executive formed through the competition of major parties for voters in marginal seats. Securitization is highly successful where shared exclusionary norms are reinforced by ethnic conceptualizations of national identity.
Chapter 1

Conceptualizing Norm Circles, Stigma and Securitization Theory in Asylum Policy

1. Introduction

The theoretical framework of the thesis consists primarily of the Copenhagen School’s securitization theory, a theory of norm circles conceived by Dave Elder-Vass (2010), and Erving Goffman’s (1963) theory of stigma. Within the theory of norm circles, I define hegemonic norm circles and norm circles of resistance as advanced by Mark Cresswell, Zulfia Karimova and Tom Brock (2013). The concept of hegemony and resistance stems from Michel Foucault’s (1978) theory of power relations.

The Copenhagen School offers a valuable framework for analyzing the way asylum seekers are constructed as threats, and are excluded or criminalized on that basis. The Copenhagen School’s vision of successful securitization involves, firstly, the “designation of an existential threat requiring emergency action or special measures” in order to protect a referent object. In relation to the securitization of asylum, the referent object is typically the nation or the demos. Secondly, successful securitization involves the “acceptance of that designation [of existential threat] by a significant audience” (Buzan, Wæver and de Wilde 1998: 27). The perceived existential threat that is evoked by the securitization of an issue does not have to be real. The definition of ‘existential’ is different for every type of referent object of security. Rothschild (1995: 55) notes that, “different entities (such as individuals,
nations, and ‘systems’) cannot be expected to be secure or insecure in the same way”. Buzan (1991: 114-115) observes that, “actual threats, as well as being impossible to measure, may not be perceived”, while “the threats that dominate perception, may not have much substantive reality”. For securitization to take place successfully, the referent object must only perceive its current mode of existence to be threatened (Seidman-Zager 2010: 8).

Dave Elder-Vass’s theory of norm circles (2010) is significant because it enables an analysis of social configurations of power that condition political possibilities for securitization to occur. Norm circles are social circles comprising potentially securitizing actors and their audiences, who share a relationship based on mutually endorsed and enforced norms. It is through the relationship between actor and audience that the illocutionary power of the securitization speech act is realized. A theory of norm circles fills an existing gap in securitization theory by conceptualizing the role of the audience in this way. Erving Goffman’s (1963) theory of social stigma further explains how these norm circles exert causal power through their members. As members of norm circles, political actors use various forms of social stigma, including in-group stigma and out-group stigma, to induce conformity towards particular norms. The nature of these norms is either hegemonic or transformative. To this end, Michel Foucault’s (1978) theory of power relations identifies that political norms governing asylum policy cannot be exclusively authoritarian or hegemonic, but are also resistive or transformative in nature. This provides a valuable framework for analyzing why certain norms on asylum policy (either exclusionary or inclusive of asylum seekers) dominate asylum politics in Sweden and Australia, thereby enabling or disabling the securitization of asylum in these states.

The justification for securitization speech acts involves two complementary strategies, namely the use of in-group stigma to subvert norms of international law, and the negative representation of the out-group of asylum seekers through their stigmatization. Using parliamentary debates in Australia and Sweden, and official policy documents from both countries, I analyze rhetoric that persuasively contrasts the in-group (‘us’) and the out-group
(‘them’) to construct asylum seekers as an existential threat to the nation. Where such discourse is produced and endorsed by members of the hegemonic norm circle, securitization occurs. Alternatively, where the official rhetoric used and accepted by members of hegemonic norm circles in parliament is congruent with norms of international law, the act of attributing deviance or stigma towards asylum seekers is rejected, and stigmatized. The study of parliamentary discourse in Australia and Sweden is focused on debates from 2007 to 2015 pertaining to issues of refugee and asylum policy in both countries.

This chapter will provide a review of the literature on the politics of asylum in Australia and Sweden, as well as an examination of how scholars have advanced the framework of securitization theory in the context of asylum policy in both countries. I then examine each aspect of the theoretical framework that I have advanced to overcome existing gaps in securitization theory, in order to analyze conditions that enable and prevent the securitization of asylum in Australia and Sweden. A section on securitization theory will be followed by a discussion of norms circles, stigma and power. In the last section of the chapter, I outline principles of critical discourse analysis (CDA), which is the methodology used to analyze whether securitization speech acts are accepted or rejected by the parliamentary elite of Australia and Sweden.

2. Literature Review on Asylum Policy in Australia and Sweden

While substantial literature exists on the politics of asylum in Australia and Sweden, scholarly analysis of reasons behind the success and failure of the securitization of asylum in Australia and Sweden respectively has received limited attention. In Australia, Matt McDonald (2011) has made significant contributions analysing the securitization of asylum in Australia, by exploring critical aspects of the relationship between securitization and open debate on asylum seekers. He assesses the limitations of the Copenhagen School’s securitization framework in terms of the normative claims it makes about political debate
and deliberation as a progressive means of achieving de-securitization. Sharon Pickering (2001) has made a significant analytical contribution to the socio-political mechanics behind the construction of asylum seekers as a national security threat in the Australian press. She examines the construction of asylum seekers as a deviant population in relation to the integrity of the nation state, against beliefs about race and disease. For Pickering, constructions of the deviant ‘Other’ are complicit in the reproduction of hegemony and the preservation of prevailing social orders. Yet, a theoretical gap exists in linking the preservation of hegemonic socio-political orders with the securitization speech act (or securitization theory more broadly), for which the establishment of an existential threat is central.

Australia’s violations of international law, namely of the principle of non-refoulement and the deprivation of asylum seekers’ human rights under the CAT and the ICCPR, have been examined in literature on international law, particularly in the context of a post 9/11 world. Leanne Weber and Dean Wilson (Weber 2007; Wilson and Weber 2008) analyze the impact of burgeoning border control measures that are used to pre-empt the arrival of asylum seekers in the context of the Australian government’s policy of deterrence. Sharon Pickering (2005) stresses that in so doing, the Australian government essentially commits state crime, defined as state organizational deviance involving violations of human rights (Green and Ward 2002). In the context of increased security in the Global North post 9/11, Savitri Taylor (2002) examines the impact that 9/11 has had on Australian asylum policy. She demonstrates that Australian procedures for dealing with protection visa applicants do not have satisfactory safeguards in place to ensure that those thought to represent a national security risk are not removed in breach of Australia’s protection obligations under the Refuges Convention, the ICCPR or the CAT. Jane McAdam draws similar conclusions regarding Australia’s breach of its obligations to asylum seekers under international law (McAdam and Loughry 2008; McAdam and Wood 2012; McAdam 2013). The critical examination of Australia’s inhumane asylum policies from a legal perspective, however, has
yet to be supplemented by scrutiny of the causal mechanisms that facilitate policy deviations from norms of international law.

Literature on the politics of asylum in Sweden has remained focused on the integration of asylum seekers into Swedish society, as opposed to the securitization of asylum. In combination with generous refugee integration programs, the tolerant attitudes and espousal of cultural diversity at the political level have been pointed out by scholars as distinguishing hallmarks of the Swedish approach to dealing with asylum seekers (Castles and Miller 2009; Valenta and Brunar 2010: 464) Asylum policy in Sweden is based on humanitarian principles, comprehensiveness, generosity, internationalism and humanism (Abiri 2000). The integration of asylum seekers into Swedish society is widely covered in scholarly literature on asylum policy (Spehar 2012; Castles and Miller 2009; Valenta and Brunar 2010; Boräng 2012; Bevelander and Otterbeck 2010; Bevelander 2011; Bevelander and Pendakur 2012). A substantial body of literature has focused on the labour market integration of refugees and asylum seekers – a hallmark of ‘Swedish exceptionalism’ (Berg and Spehar 2013). The Swedish demographic crisis, union strength, and the lack of a strong anti-immigration party in Sweden during the 2000s, coupled with a parliamentary majority in favour of generous asylum policies (especially when it has involved a radical change from previous migration policies) have also contributed to the prioritizing of refugees in the labour market (Spehar 2012; Boräng 2012; Berg and Spehar 2013). Union strength in Sweden has had a positive impact on the integration of refugees (Boräng 2012). While the Swedish Trade Union Confederation (LO) put an effective end to labour immigration in 1972, and has since been critical of large-scale labour immigration, the organization instead held an inclusive position towards refugees – supporting their inclusion in the labour force. The LO Immigration Policy Programme from 1991 stated that the refugees’ right to work “must be given first priority,” and even that special jobs for asylum seekers should be tried, “to avoid later problems of adjustment to the labour market”, since they were not allowed to take up regular employment before they had received a residence permit (Knocke 2000: 175). Although
asylum integration policies have been rigorously examined, minimal debate has centred on the cultural assimilation of migrants. Rather, social democratic norms of solidarity, humanitarianism and equality have shaped Swedish asylum policy in a humanitarian direction. Furthermore, the causal link between social democratic norms and the ordinary sphere of ‘normal’ politics, where Swedish parliamentary debates on asylum revolve around integration policies, has not been established. This thesis aims to provide a theoretical framework for the examination of how resistance to social democratic norms favouring the inclusion and integration of asylum seekers plays out in the Riksdag, where securitization speech acts seek validation.

There has been little evidence of securitization discourse in the Swedish parliament. Rebecca Cunevski (2012) observes that existing securitization literature does not apply to Swedish political parties, with regard to their intent to pursue supranational asylum policies. Although Swedish refugee policy has been subject to substantial changes during the last decade, the official discourse has remained remarkably constant. Elisabeth Abiri’s (2000) analysis of Swedish refugee policy in the 1990s demonstrates that, although major political parties advocated more restrictive policies during the early 1990s, the official Swedish documents of 1997/98 described the policy orientation in almost exactly the same terms as the 1990/91 documents. Abiri (2000) argues that official asylum policy has retained a consistent focus on demonstrating international solidarity, humanitarianism and generosity towards refugees and asylum seekers. Inge Dahlstedt (2000) similarly observes a partial shift in the rhetoric of major political parties during the 1990s, where less emphasis was placed on solidarity and generosity. Indeed, when Sweden joined the EU in 1995, pride in the generous national asylum system was replaced by anxieties of conforming to the restrictive policies of other member states (Dahlstedt 2000: 50-51). In other parts of Scandinavia and the EU, such as Denmark, the protection of territorial borders, the welfare state and national identity have occupied primary importance on the asylum policy agenda at the expense of human rights, solidarity and legal responsibilities to protect asylum seekers under international law.
Arguably, as the research presented by Dahlstedt (2000) has shown, securitized agendas and the representation of asylum seekers as national security threats by member states have had very little impact on the Swedish political debate on asylum. Rather, the asylum policy debate has focused on international solidarity.

By analyzing Swedish parliamentary debates between 1975 and 2002, Therese Olmsäter (2007) utilized the framework of the Copenhagen School’s securitization theory to identify four different sets of discourses, closely related to the contemporary socio-political debate on asylum over a period of almost three decades. Her study has shown that, although parliamentary discourse on Swedish asylum policies developed in a more restrictive direction between the 1980s and the early 1990s, the official policy remained unchanged. Her study confirms that a multi-party political system allowed for opposition parties to effectively limit the implementation of restrictive policies that were cast outside the realm of ‘ordinary’ politics, and which veered towards securitization. However, scholarly literature has yet to unravel the significant role played by party structure, and the hegemonic norms that mainstream political parties endorse and enforce, in preventing securitization speech acts from gaining success in the Riksdag. This thesis aims to do so by drawing on another undeveloped aspect of asylum politics – the role of stigma. While several scholars have long understood stigmatization to be a key obstacle to radical right wing parties’ political success (Eatwell 2000; Mudde 2007), none have yet established a causal link between the application of in-group stigma, and the securitization of asylum. Vidhya Ramalingam (2012) illustrates the processes through which anti-immigration radical right parties can, in spite of stigmatization, negotiate the normality and morality of their politics to bring their ideologies closer to the mainstream. However, the limits of their efforts to normalize the anti-norm, namely, their anti-asylum and xenophobic ideologies in mainstream politics, have not been conceptualized within a theoretical framework integrating securitization and the normative influences of stigma.
Since the entry of the Sweden Democrats to the Riksdag in 2010, politicians across the political spectrum have denigrated that radical right wing party as racists. In 2010, Lars Ohly, the leader of the Left Party, branded the Sweden Democrats a racist party with socially divisive ideologies (Tanaka 2010). From the outset, Swedish mainstream parties’ antidote to the Sweden Democrats’ rhetoric of xenophobia and calls to securitize the issue of asylum has been to marginalize the party. Marginalization has since been enacted in parliament through the use of in-group stigma against the party, as well as through the formation of coalitions to ensure that an extreme right party is excluded from power. An example of the latter was manifest in the *cordon sanitaire* of 2010, established by mainstream parties to prohibit any kind of collaboration with the Sweden Democrats (Art 2011).

As a theory of international relations, the Copenhagen School’s securitization theory provides a critical link between security and the politics of asylum. By stating that a national way of life, or that nation in itself is threatened in its existence, a securitizing actor may claim a right to extraordinary measures to ensure national survival. I argue that the nature of hegemonic norms amongst the political elite, whether inclusive or exclusive towards asylum seekers, determines whether or not the issue is moved out of the sphere of normal politics into the realm of emergency politics where asylum seekers can be dealt with swiftly and without the normal (democratic) rules and regulations of policy-making. In the next section, I elaborate on securitization theory as advanced by the Copenhagen School, and proceed to identify theoretical gaps in securitization literature that require further elucidation.

### 3. Securitization Theory

#### 3.1 The Copenhagen School’s Approach to Securitization Theory

Ole Wæver and Barry Buzan, principal contributors to the Copenhagen School, define securitization as a successful speech act “through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a
valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat” (Buzan and Wæver 2003: 491). The securitization paradigm, first developed by the Copenhagen School, constitutes the theoretical backbone of this research.

The Copenhagen School provides a spectrum along which policy issues can be plotted. It claims that any specific matter can be non-politicized, politicized or securitized. Non-politicized issues are generally not a matter for state action and are not included in public debate, while politicized issues are managed within the standard political system of debate and deliberation. In this sense, politicized issues are “part of public policy, requiring government decision and resource allocations or, more rarely, some other form of communal governance” (Buzan, Wæver and de Wilde 1998: 23). Finally, an issue is plotted at the securitized end of the spectrum when it requires emergency actions beyond the state’s standard political procedures. In this thesis, I argue that Sweden presents a case study of a state that does not securitize the issue of asylum – although it remains a highly politicized issue – despite the large numbers of asylum seekers it receives compared to Australia, where the issue is highly securitized despite the comparatively low number of asylum seekers arriving by boat.

The Copenhagen School argues that the issue of asylum can be securitized – framed as a security issue and moved from the politicized to the securitized end of the spectrum – through an act of securitization. A securitizing actor (for example, a governmental actor, members of the political elite, military or civil society) articulates an already politicized issue as an existential threat to a referent object (such as the state, national sovereignty, national/cultural identity). In response to the existential nature of the threat, the securitizing actor asserts that it has to adopt extraordinary means that go beyond the ordinary norms of the political domain. Buzan, Wæver and de Wilde (1998: 2) argue that securitization “is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics. Securitization can thus be seen as a more extreme version of politicization”. The Copenhagen School notes that de-securitization refers
to the reverse process. It involves the “shifting of issues out of the emergency mode and into the normal bargaining processes of the political sphere” (Buzan, Wæver and de Wilde 1998: 4).

An act of securitization refers to the accepted classification of particular, and not other phenomena, persons, or entities as existential threats requiring emergency measures. The Copenhagen School relies on a two-stage process of securitization to explain how and when an issue is to be perceived and acted upon as an existential threat to security. The first stage concerns the portrayal of certain issues, persons or entities as existential threats to referent objects. Non-state actors are regarded as important players in the securitization model because they may both initiate and support securitization moves. However, for the purposes of this analysis, only the influence of state actors will be analyzed. Indeed, the move of securitization depends on, as well as reveals, the power and influence of the securitizing actor, which generally tends to be the state and its political elite (Collins 2005). The use of a language of security does not mean, however, that the issue is automatically transformed into a security question. Instead, the consensual establishment of a threat needs to be of sufficient salience to produce substantial political effects. The second and crucial stage of securitization is completed successfully only once the securitizing actor has succeeded in convincing a relevant audience (public opinion, politicians, military officers or other elite personnel) that a referent object is existentially threatened. Only then can extraordinary measures be imposed. Because of the urgency of the accepted existential threat to security, constituencies tolerate the use of counteractions outside the normal bounds of political procedures.

Central to the two-stage process of securitization is the importance of the speech act. The latter is defined as the discursive representation of a certain issue as an existential threat to security. The Copenhagen School considers the speech act to be the starting point of the process of securitization. An issue can become a security question through the speech act alone, irrespective of whether the concern represents an existential threat in material terms.
Here, a securitizing actor manipulates language to articulate a problem in security terms and to persuade a relevant audience of its immediate danger. The articulation in security terms thereby conditions the audience and provides securitizing actors with the right to mobilize state power and move beyond traditional rules. This significant criterion – of requiring the security concern to be articulated as an existential threat (Buzan, Wæver and de Wilde 1998) – links the Copenhagen School’s concept of security to the question of state survival, and thus to the reasoning found within a traditional approach to security studies.

Thus, a fundamental pillar of the Copenhagen School is that it regards security as a socially constructed concept. In that sense, the School is primarily constructivist in its approach (Balzacq 2011). What constitutes an existential threat is regarded as a subjective matter. It very much depends on a shared understanding of what constitutes a danger to security. A person in a position of power first needs to speak the language of security and demand the adoption of security measures. The discourse of the securitizing actor has to be articulated in a fashion that convinces an audience. In other words, a collective has to accept a specific issue as an existential threat to a referent object. Consequently, every act of securitization involves a political decision and results from a political and social act. Only in a successful case will standard political procedures no longer be viewed as adequate to counter the threat (Emmers 2012: 135). Indeed, the Copenhagen School asserts that a successful act of securitization provides securitizing actors with the special right to use exceptional means. Extraordinary measures go beyond rules ordinarily abided by and are therefore located outside the usual bounds of political procedures and practices. Extraordinary measures are justified as a response to a specific issue that is posing an existential threat to a referent object. In this thesis, the adoption and implementation of extraordinary measures involves the identification and classification of asylum seekers as a threat that needs to be tackled urgently.

In contrast to a realist approach to security studies that focuses on the material nature of the threat, the Copenhagen School predicts that an act of securitization can either succeed or fail
depending on whether a separate audience accepts the discourse. As a result, it naturally asks why some acts tend to fail while others succeed. However, it obscures the role of the audience and under-emphasizes the impact of context – including the normative context – on the success of securitization speech acts.

3.2 Tensions within Securitization Theory

The potential and the weaknesses of the Copenhagen School’s securitization theory have been discussed by several researchers. For instance, in their writings, Holger Stritzel (2007), Matt McDonald (2008; 2011), and Juha A. Vuori (2014) advocate a different reading and/or a sustained revision of securitization theory. Stritzel (2007) investigates the conceptual tension, which pervades securitization theory, according to which security is at once a speech act event and the result of a negotiated process between an actor and the relevant audience (i.e., an intersubjective endeavour). In developing his critique of securitization theory, Stritzel observes that this tension undermines the development of a comprehensive theory of securitization. Stritzel subsequently argues that “the (decisionist) performativity of security utterances as opposed to the social process of securitization, involving (pre-existing) actors, audience(s) and context(s), are so different that they form two rather autonomous centres of gravity” (Stritzel 2007: 364). This tension between the conceptualization of a securitization speech act as an event and as the result of a negotiated process between actor and relevant audience corresponds to tensions that lie between internalist and externalist renditions of securitization theory, where the speech act event’s reliance upon pre-existing actors, audience(s) and context(s) conforms to an externalist reading of securitization theory (which is particularly prevalent in the sociological version of the theory).

Internalists hold that the content of thoughts or the proposition expressed by the utterance of a sentence can be identified and specified independently of objective things that those thoughts or propositions are about. Externalists hold that at least some contents of thoughts and propositions expressed can be identified only by identifying the things in the world they
are about. Speech act theory has its own version of the internalism-externalism debate, but it is, at least until recently, implicit rather than explicit. It has to do with the nature of the conditions set down on the analysis of the force of successful speech acts. If a condition restricts the way the external world must be, it is an externalist condition; but, if it restricts the mental state(s) of an actor and the relevant audience, it is an internalist condition (Harnish 2009). In the securitization literature, an externalist approach is opposed to an internalist approach (Stritzel 2007, Balzacq 2009). The latter, Copenhagen School concept, focuses on the speech act and argues that the act of securitization itself modifies the context:

> It is the utterance itself that is the act. By saying the words, something is done (like betting, giving a promise, naming a ship) (Buzan, Wæver and de Wilde 1998: 26).

The externalist approach, however, argues that successful securitization can occur only within a wider context supportive to it:

> An actor cannot be significant as a social actor and a speech act cannot have an impact on social relations without a situation that constitutes them as significant. It is their embeddedness in social relations of meaning and power that constitutes both actors and speech acts (Stritzel 2007: 367).

Mark Salter (2008) supports this assumption, but goes beyond it, adding that securitization processes, actors and audiences may differ, depending on the specific (sociological, bureaucratic, political, scientific) context (Kaunert and Léonard 2014: 178). Balzacq (2005; 2009) suggests that securitization should be understood as a strategic and pragmatic practice, one that facilitates a focus on the strategies and motives of various actors for supporting or rejecting securitization in a given context and setting. A practice-centred model argues for the perlocutionary aspect of the speech act to function as the theoretical centre of gravity.

Opponents of the Copenhagen School, such as Thierry Balzacq (2011), argue that the theory’s focus on the illocutionary speech act fails to encompass the totality of the speech act, particularly, its perlocutionary aspect. Perlocutionary effects, he argues, encompass the
consequential effects of the speech act that are aimed to evoke the feelings, beliefs, thoughts, or actions of the target audience, and lead to securitization moves (Balzacq 2011; Searle 1977). Rita Floyd (2011: 428-9) advances a sincerity condition to justify a focus on the practice-centred model of securitization, one that places the perlocutionary speech act as the stronghold of securitization theory. This framework conceptualizes securitization as a practice based on the manipulated expression of a psychological state (e.g. fear or disgust at the behaviour of groups of asylum seekers) and the actualization of a security move by a securitizing actor. However, conceptualizing securitization as a set of practices embedded in the perlocutionary functions of the speech act risks depriving the theory of a robust centre of gravity that can clearly trace securitization to the deliberate movement of the issue from the zone of normal politics to the zone of security, where it achieves elevated status that demands the use of extraordinary measures to circumvent an existential threat. The transformational power of producing action through utterance can be defined only through the illocutionary force of the speech act, which constitutes actors and audiences, and their interpersonal relations retroactively.

Ole Wæver of the Copenhagen School opposes the conceptualization of securitization as a practice or process, emphasizing instead the political co-production between securitizing actor and audience of a new social state in an interactional speech act event. Implicit in Wæver’s performative rendition of securitization theory (linked intimately to Austin’s illocutionary speech act) is the relationship between actor and audience – one that is mutually reconfigured in the co-produced illocutionary event. Here, the illocutionary act produces a ‘conventional effect’ (Austin 1962: 116-117), i.e. an effect affecting a conventional ‘state of affairs’ pertaining to the interpersonal relationship between actor and audience. Described in terms of ‘deontic modality’, the conventional effect is concerned with modes of behaviour with respect to social rules or norms (Sbisà 2001: 1798). Conventionality here is founded on intersubjective agreement between actor and audience (Sbisà 2001: 1797) where agreement manifests in their mutual endorsement of particular
norms. I argue that, for securitization to be successful, this intersubjective agreement must coincide with the mutual endorsement of hegemonic norms of an exclusionary nature. The conventional illocutionary effect therefore invokes the reinforcement/stabilization of a hegemonic norm through its mutual endorsement by securitizing actors and members of the audience who share a co-productive mutually dependent relationship in the illocutionary event.

Therefore, rather than a negotiated process, the co-produced illocutionary event is a direct causal appropriation of language to action, based on the compatibility of the security utterance with the norms governing the interpersonal relationship between securitizing actors and their relevant audience(s) (i.e. their mutual, intersubjective endorsement of specific hegemonic norms). The contention that “the (decisionist) performativity of security utterances” conflicts internally with “the social process of securitization, involving (pre-existing) actors, audience(s) and context(s),” (Stritzel 2007: 364) is tested through a hypothesis that establishes the illocutionary force as the singular theoretical centre of gravity. The hypothesis establishes that the illocutionary speech act acquires its performative force through the existence of a stable relationship between a securitizing actor and his/her audience, based on their mutual commitment to the endorsement and enforcement of shared exclusionary norms. The dichotomous nature of these norms – being either of a hegemonic nature or of resistance to hegemonic influence – provides theoretical stability to the normative relationship between actor and audience. In the thesis, I argue that the fulfilment of these preconditions, which draw upon the illocutionary force of the speech act, is necessary for the successful securitization of asylum.

Criticism of the Copenhagen School extends beyond finding the right centre of gravity of securitization theory to the difficulty involved in empirically determining whether securitization has occurred. Stritzel (2007: 363) contends that from “empirical studies one cannot always figure out clearly which audience is when and why most relevant, what implications it has if there are several audiences and when exactly an audience is persuaded”.

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Buzan, Wæver and de Wilde (1998: 23) have represented securitization as a threshold, whereby a threat may be either constructed and accepted as a security issue, or remain contested within the realm of ordinary, deliberative politics. For Buzan, Wæver and de Wilde (1998: 25), “the issue is securitized only if and when the audience accepts it as such”, so that it has gained enough resonance for a platform to be made from which it is possible to legitimize “emergency measures”. However, the Copenhagen School’s model lacks a theoretical framework to clarify how securitization speech acts may succeed or fail in relation to an audience (Balzacq 2011). The performative aspect of securitization, i.e. the productive power of a speech act event involving both securitizing actor and audience, needs to be made more explicit as the rule rather than the exception (Balzacq 2011).

3.3 The Role of Actors and Audience

The role of actors in the securitization process is considered under-theorized by several authors, an argument fitting neatly with the aforementioned critique. The skeleton of a more comprehensive theory of security action as espoused by the Copenhagen School is marked by the speech act, the securitizing actor and the audience. Unfortunately, the Copenhagen School has not adequately conceptualized the relationship between the actor and the audience. While it is clear that the Copenhagen School regards securitization as an intersubjective act of a securitizing actor acting towards a significant audience, the role of the audience in this relationship needs more definition.

While retaining an emphasis on the productive nature of speech, Judith Butler (1997) has suggested that Austin’s conception of speech acts implies the possibility that they can be either ‘perlocutionary’ (necessary for enabling particular actions) or ‘illocutionary’ (performing a function at the moment of speech). Allowing the possibility that speech acts are perlocutionary potentially enables greater attention on audiences who might either consent to particular actions suggested through speech, or engage in contesting the terms of the speech act or the actions suggested in response to it (Butler 1997:15). Further, it might be
suggested that the role audiences play is in helping to constitute speech communities in which particular forms of representation are intelligible and legitimate and others are unintelligible and illegitimate. These are all particular readings of the speech act that at some level constitute attempts to come to terms with the production-construction distinction, what Holger Stritzel (2007) has defined as an ‘internalist-externalist’ distinction. The challenge for the securitization framework in this sense is to consolidate a conception of what speech acts are, and how they relate to audiences.

McDonald (2008: 573) agrees that the role of actors in the securitization framework requires more clarification. He argues,

Ultimately, those interested in the construction of security must pay attention to the social, political and historical contexts in which particular discourses of security (even those defined narrowly in terms of the designation and articulation of threat) become possible. Why are some political communities more likely to view certain actors and dynamics as threatening? What role do narratives of history, culture and identity have in underpinning or legitimating particular forms of securitization? (McDonald 2008: 17).

In this thesis, I support McDonald’s (2011) contention that the Copenhagen School’s framework under-theorizes the agency of the audience, and lacks the resources to accommodate relevant contexts of progressive dialogue in procedural terms. I attempt to reconcile the need for a theoretical articulation of social mechanisms, agency and contexts for progressive dialogue with the Copenhagen School’s focus on the illocutionary act as the performative centre of gravity.

McDonald (2008) has discussed the inadequate theorization of the audience as agents. He argues that this is particularly, but not exclusively, the case with the Copenhagen School’s focus on state elites, “presenting [the powerless] at best as part of an audience that can collectively consent to or contest securitizing moves, and at worst as passive recipients of elite discourse” (McDonald 2008: 19). He explores the dynamics of what might be termed the re-securitization of asylum in Australia in the lead-up to the Australian federal election of
2010, arguing that this phenomenon has implications for the ways in which normative claims underpinning the securitization framework are conceptualized (McDonald 2011). In pragmatic terms, he suggests that certain forms of political debate may encourage the articulation of fearful and exclusionary views about ‘Others’ (in this case, asylum seekers), and consequently render securitization itself more likely. However, he contends that the securitization framework is underdeveloped in its capacity to identify the types or contexts of dialogue that produce securitization (McDonald 2011: 282). Further, he argues that the ease with which the asylum issue was mobilized in Australia in 2010 to “produce or further anxiety and perceptions of threat” points to the need for sound political leadership to address “the sedimented social and cultural contexts” that have enabled such approaches to resonate with a significant proportion of the Australian population (McDonald 2011: 282). An understanding of social and cultural contexts, however, requires sociological analysis. From the sociological perspective, an audience’s support for a securitizing move cannot be simply deduced from the historical and actual context relating to the security issue, but has to involve consideration of contextual factors and include the audience as a legitimate agent, endowed with performative power.

McDonald’s allusions to sedimented social and cultural contexts reflect the sociologist Swidler’s (1986) concept of ‘culture in action’, whereby he posits that culture shapes strategies of action by forming the way actions are organized. To this end, culture provides a dynamic ‘tool-kit’ from which security actors and relevant audiences may choose to deal with the issue of asylum, one that allows them to constantly incorporate new knowledge. The ‘tool-kit’ builds upon deeply rooted imaginations and stereotypes, on historical narratives about ‘Self’ and ‘Other’, on current social, political and economic factors, but it also captures defining issues like class and race. This idea of culture as “a whole way of life” (Williams 1958: 18) is not static, but dynamic and heterogeneous. By applying Swidler’s approach to securitization theory, the audience comes to be seen as less passive, and more of a relevant agent with power to transform or reinforce a normative status quo. For this reason,
such an approach would be highly valuable. However, for such a construction of individual
dispositions and reactions, the sociologist’s tool-kit approach would necessitate a mentalist
conception of meaning and a cause-effect understanding of social relationships, including
politics. Such an approach, which requires that securitization be defined as ‘practices’ or
‘processes’, is problematic in that it leads to the segmentation of securitization practices, and
their acceptance as independent, processual entities against which securitization can be
mapped as opposed to an integrated theory and explanation of interrelated elements of a
single event. Theoretical disintegration occurs as a consequence of replacing responsibility
for securitization acts with an account of the causality of events (Wæver 2015: 124).

The need to retain a performative centre of gravity within securitization theory, whereby the
act of securitization is limited to a single speech act event rather than a series of
securitization practices, prompts a focus on the illocutionary speech act rather than its
perlocutionary counterpart. Further, in order to endow the audience with agency, I contend
that it is necessary to conceptualize the relationship between actor and audience within the
illocutionary speech act event.

3.4 The Illocutionary Speech Act

Insistence on illocutionary force as the centre of securitization studies reflects a choice of a
certain kind of theory, particularly in terms of how it handles politics. Ole Wæver (2015)
posits that a purely sociological perspective of securitization theory is problematic. Wæver
(2015) argues that this is not a politically neutral choice between theories, nor is it purely
analytical. Rather, being partly political in nature, and partly about the kind of knowledge
one aims at, a sociological perspective yields to analytical fragmentation. For instance, he
argues that the concept of ‘audience’ becomes, in the sociological version, an empirical
question, but that is only possible if securitization has been defined in a way where it can
happen without an audience, whereas the ‘political’ (illocutionary) version of the theory
studies securitization as a relationship, and therefore the question becomes how speaker and
audience jointly reconfigure their relationship. Consequently, where the audience participates less explicitly than originally expected, a re-theorization of their participation as a form of political interaction is needed. If the sociological version of securitization theory allows for securitization to occur without political co-production between securitizing actor and audience, securitization can no longer be theorized as an act of speech based on a relationship between actor and audience, resulting in the disintegration of the whole ideal-type procedure of analytical theory.

Furthermore, if securitization should be not reduced to a speech act, but rather must be analyzed as a process, then the temporal dimension has to be taken into account. Long-term processes are subject to different dynamics than the Copenhagen School’s dramatic states of emergency. The acceptance of an act of securitization can change over time, and it can change differently in relation to different audiences and different settings. Furthermore, securitization over time involves a certain habituation effect. What may have seemed extraordinary in the beginning may become normal soon. Therefore “two temporal dimensions must be added to considerations of securitization and de-securitization: the duration of the securitization and the entropy of the public imagination” (Salter 2008: 324).

While the incorporation and habituation effect of the tool-kit approach accounts for the temporal aspect of the securitization process, and helps explain why security issues can be evaluated differently over a particular length of time, it falls short in terms of theoretical stability. A theoretical framework that posits securitization as the causal effect of processes and practices, occurring over various lengths of time in the absence of any political relationship among actors, is problematic. This is because theoretical stability is situated in the mutual endorsement of an intersubjective agreement between political actors and audiences, who share a co-productive, co-dependent relationship in the actualization of securitization.

On the issue of asylum, I concur with Wæver’s (2015) contention that securitization needs to be a theory organized around a theoretical conception of a distinct political move, allowing
for causal analysis of its consequences. Further, Wæver argues that securitization theory needs to be able to allow for sociological analyses of normative patterns that condition political possibilities, as well as serve as a political theory capable of exploring an actor’s and an audience’s choices under different arrangements.

The Copenhagen School’s illocution-focused version of securitization theory claims it can integrate causal explanations, social mechanisms, hypothesis testing and political theory, by systematically organizing the different parts around securitization as a specific kind of political event (Wæver 2015). With this distinct version of speech act theory at the centre, members of the Copenhagen School suggest that it becomes possible to integrate three distinct stages of discourse analysis in case studies, such as that of Australia and Sweden in an evaluation of the conditions required for successful securitization. Drawing on Marina Sbisa’s (1984; 1989; 1992) account of deontic modality, I outline a set of conditions that allow for the co-produced political illocutionary event to elicit successful securitization. Deontic modality is concerned with the performance of actions or modes of behaviour with respect to a specific social rule or norm (von Wright 1972; Hughes and Cresswell 1996; Lyons 1977). Further, I ascribe the speech act with power that is predicated on its endorsement by norm circles. Norm circles are social circles – in this case, those concerned with specifically normative questions of security – which consist of agents who share a set of norms and work to influence each other to conform to them, by virtue of the ways in which those members interact in them (Elder-Vass 2010: 122). I argue that the performative power of the speech act is realized through the dual agency of actor and audience, and their interpersonal relationship as members of a norm circle that endorses the norms articulated by the speech act.
4. Norm Circles and Stigma

In conceptualizing the role of the audience in the Copenhagen School’s securitization theory, I draw on Dave Elder-Vass’s (2010) theory of norm circles. I argue that, instead of ascribing the causal significance of the audience in securitization theory to an abstract notion of social structure, it is necessary to recognize that the audience consists of specific groups of people that have social and/or political power. As Elder-Vass (2010) posits, the social world is composed of many such overlapping and intersecting groups, each of which has the power to influence human individuals. But in each case, these powers depend on interactions between individual members of the group, and this argument thus depends in turn on the claim that members of the audience have agency by accepting certain norms (Elder-Vass 2010: 4). I argue that the value of the concept of norm circles lies in its potential to explain how individual members of the audience can have a causal impact on the politics of asylum through their relationship with the (non-)securitizing actor.

4.1 Norm Circles

In the previous section, I posited that the illocutionary power or force of a speech act is predicated on its endorsement by norm circles, i.e. the perceptive environment of actors and audiences, which is mediated by their capacity for reflexive deliberation. The theory of norm circles advanced by Elder-Vass (2010) draws on both critical realism and social constructionism, assuming that both theoretical approaches are compatible. Critical realists argue that all events are caused by multiple interacting causal powers (Bhaskar 1975), including the powers possessed by individuals and the powers that can be attributed to social structures (Archer 1995).

Elder-Vass’s theory of norm circles explains how individuals develop dispositions that determine their behaviour by consolidating two previously polarized theories of the role of action and agency in the social world: structuration and post-structuration. Structurationists
such as Pierre Bourdieu posit that an individual’s dispositions to act in certain ways are determined primarily by their exposure to a social environment. Bourdieu’s (1990: 54) notion of *habitus* portrays the individual as one whose agency is subjugated to the social environment to which he or she is exposed, and this tends to “generate dispositions objectively compatible with these conditions and in a sense pre-adapted to their demands”. On the other hand, post-structurationists assert that *habitus* is instead the function of conscious, reflexive deliberation. A theory of norm circles assimilates these contrary views and establishes a middle ground that is arguably a closer representation of how individuals experience the world (Williams 2013: 236). Indeed, Elder-Vass’s perspective is compatible with Roy Bhaskar’s critical realist account of causation, pertaining to causal powers of the whole concerned. By describing a causal power in terms of the parts of the whole and the way they are organized, Elder-Vass (2010) draws on Bhaskar’s definition of the generative mechanism that underlies the power (Bhaskar 1979: 46-7). Causal power comes from the organization of the parts, from the maintenance of a stable set of relations between the parts that constitute them into a particular kind of whole (Emmeche, Køppe and Stjernfelt 1997: 106; Morgan 1923: 64). Thus, it is the fact that the illocutionary event is composed of a particular stable set of relationships between securitizing actors and members of the audience that gives these agents the capacity to exert causal influence on the securitization of asylum. In other words, the relationships between actors and audiences make these agents more than the sum of their parts, i.e. more than their collective identity as members of various political parties, or of the government or of the parliament itself. As Margaret Archer (1982: 475) puts it, the properties of such causal powers “are therefore relational: they are not contained in the elements themselves, but could not exist apart from them”.

Political party leaders and at least a majority of their party members are part of the same norm circle in their mutual endorsement and enactment of particular asylum policies. Elder-Vass (2010: 124) argues that, even if these agents held the same normative belief, they would not necessarily act in the same ways regarding it (either endorsing it so strongly or
enacting it so frequently) had they not been part of a group that shares a commitment to endorse and observe the exclusionary norm. These relations, then, provide a generative mechanism that gives the norm circle an emergent property or causal power: “the tendency to increase conformity by its members to the norm” (Elder-Vass 2010: 124). The causal power of the parliamentary institution is the capability that the political parties have to affect the behaviour of individual members of the party. That causal power is implemented through the members of the group, although it is a power of the group, and when its members act in support of the norm (e.g. to stigmatize asylum seekers) or otherwise, it is the group (as well as the member concerned) that acts.

The beliefs, skills, and attitudes inculcated in the individual are persistent and durable and define the conscious decisions that one is able to make including those that act upon one’s habitus (Williams 2013: 237). Elder-Vass proposes that conformity is a core constituent of what he calls norm circles (Elder-Vass 2010: 123), i.e. common social structures characterized by the relations between a group of individuals who share a commitment to endorse and enforce normative social practices with each other, “regularized practices encouraged by dispositions or beliefs about appropriate ways of behaving that are shared by a group of people” (Elder-Vass 2010: 116; Williams 2013: 236). As Elder-Vass (2010: 123) asserts, it is the commitment that these members have to endorse and enforce the international law norm/practice with each other that “makes a norm circle more effective than the sum of its members would be if they were not part of it.” It follows that, when members of a norm circle are aware that its other members share this collective intention to support international law norms, “they may feel an obligation to them to endorse and enforce the norm concerned and they have an expectation that the others will support them when they do so” (Elder-Vass 2010: 123).

In conceptualizing the audience within securitization theory, I identify the audience as a source of human agency exercised through the power of norm circles. For the purposes of examining the securitization of asylum in Australia and Sweden, the audience has been
limited to members of parliament as representatives of the electorate. Voters are thus implicit in the definition of norm circles used in the thesis, because members of parliamentary norm circles are concerned to retain public support. Members of parliament can belong to a multitude of norm circles, although norms of international law (e.g. non-refoulement and the prohibition of torture) are of primary concern to this study, as well as the circle that shares a collective intention to support these norms. A norm circle may indeed endorse exclusionary norms. As the case study of Australia demonstrates, Australian law is used to exclude norms of international law. However, a norm circle enforcing solidarity, humanitarianism and human rights may endorse the stigmatization of political parties that favour securitization practices, as shown in the case study of Sweden.

Elder-Vass (2010) links the power of norm circles to the pressures that members exert on each other to conform, based on a shared commitment to endorse and enforce a set of normative practices. Within the structured field of power relations that constitutes the realm of security, I contend that the power of a norm circle lies in the potential of its members to wield stigma as a means of ensuring the preservation of norms or their transformation. I therefore supplement the theory of norm circles with an analysis of the power that is used to influence members of norm circles to conform, namely, the power of stigma. Consequently, the theoretical framework offered by norm circles becomes a method to analyze the real processes behind structural relationships of power, dominance, inclusion and exclusion in the asylum policies of Australia and Sweden.

4.2 Stigma

Most theory and research on the stigmatization process can be traced to Goffman (1963: 3), who defined stigma as “an attribute that is deeply discrediting”. According to Goffman,

Stigmatization is a process of global devaluation of an individual who possesses a deviant attribute. Stigma arises during a social interaction when an individual's actual social identity (the attributes he or she can be proved to possess) does not meet society's
normative expectations of the attributes the individual should possess (his or her virtual social identity). Thus, the individual's social identity is spoiled, and he or she is assumed to be incapable of fulfilling the role requirements of social interaction.

Jones et al. (1984) proposed that a person is stigmatized when a mark (a deviation from a prototype or norm) has been linked to dispositions that discredit the bearer of the mark. Thus, the mark of deviance initiates an attributional process through which people interpret other aspects of a person in terms of the mark, and respond to stigmatized individuals on the basis of their stigma at the expense of their individuality. In contrast, Elliott, Ziegler, Altman, and Scott (1982) suggested that stigma is a form of deviance that leads others to judge individuals as illegitimate for participation in an interaction. People may be considered illegitimate because they lack the abilities or skills to carry on an interaction, behave unpredictably or inconsistently, or are a threat to others or to the interaction itself. According to Elliott et al. (1982), once a person has been classified as illegitimate for participation in an interaction, he or she is beyond the protection of social norms and, as such, may be excluded or ignored altogether (Kurzban and Leary 2001: 188).

Kurzban and Leary (2001) argue that there are a number of systems that are designed to exclude others from social interactions and which differ from one another in important ways. Their analysis of stigma encompasses a shift from negative evaluation or discrediting to interpersonal disassociation. Thus, stigmatization occurs,

when a shared characteristic of a category of people becomes consensually regarded as a basis for disassociating from (that is, avoiding, excluding, ostracizing, or otherwise minimizing interaction with) individuals who are perceived to be members of that category (Kurzban and Leary 2001: 188).

According to this view, people are stigmatized not simply because they are evaluated negatively or possess a spoiled identity, but rather because they possess a characteristic viewed by society or a subgroup as constituting a basis for avoidance or exclusion. Thus,
stigmatization is based on the shared values and preferences of members of a particular group, in contrast to excluded others (Kurzban and Leary 2001: 188).

Bruce Link and Jo Phelan (2001) extend the notion of stigmatization based on the shared values and preferences of members of a particular group to include the power relations implicit in the selection of characteristics that are undesirable and qualify for exclusion. Stigmatization is “entirely contingent on access to social, economic, and political power that allows (1) the identification of differentness, (2) the construction of stereotypes, (3) the separation of labelled persons into distinct categories, and (4) the full execution of disapproval, rejection, exclusion, and discrimination of labelled persons.” (Link and Phelan 2001: 367). These four interrelated components converge to produce successful stigmatization in a power situation that allows the components of stigma to unfold.

In the first component, people distinguish and label human differences. In the second, dominant cultural beliefs link labelled persons to undesirable characteristics – to negative stereotypes (Link and Phelan 2001: 367). This aspect of stigma involves a label and a stereotype, with the label linking a person to a set of undesirable characteristics that form the stereotype (Link and Phelan 2001: 369). The characteristic becomes stigmatizing when it is perceived, at either an individual or a social level, to pose a threat to the vitality of the individual or the culture. Tangible threats are instrumental – that is, they threaten a material or concrete good, such as health, safety, wealth, or social position (Schaller and Conway 1999). Symbolic threats, on the other hand, threaten beliefs, values, ideology, and an understanding of how the social, political, and/or spiritual worlds work. Both kinds of threats provoke anxiety or fear; and both can produce and increase stigmatization. Many stigmas appear to be the result of both tangible and symbolic threats, and it is not unlikely that threats that were originally tangible are later generalized to become symbolic (Schaller and Conway 1999; Stangor and Crandall 2003: 73).
The stigmatizing function of illegality and criminality is broadly recognized as an extension of a political actor’s own ability to shame others by referencing national-community standards. However, what this comparative study reveals is that, on the issue of refugees and asylum seekers, political actors are also intensely divided about who stigma should be directed at. Political parties inclined towards the protection of human rights direct stigma at those who perpetuate crimes against humanity or human rights abuses internationally. The power to allocate stigma is a considerable one, wherein significant capital is gained by being able (and being seen as able) to wield stigma. The question is how stigma is allocated, considering the huge stakes not only for the constitution of international society but also for the exercise of power in the domestic sphere (Ramalingam 2012).

4.3 Stigma, Power and Hegemonic Norm Circles vs. Norm Circles of Resistance

Because these subjectively internalized schemes produce normalcy for some, but ipso facto, deviance, stigma, and a spoiled identity for others (Ya’ir 2009: 98), the power to mobilize and allocate stigma becomes critical. Within parties, stigma is the mechanism by which party discipline and cohesion is reinforced. Between parties in the parliamentary milieu, stigma may either constrain or reinforce securitization agendas. When directed at asylum seekers, stigma is used to represent the societal out-group as deviant threat for the purpose of securitization. While the case study of Australia demonstrates how a bipartisan consensus on the allocation of stigma towards asylum seekers arriving by boat has been integral to the successful securitization of asylum, the case study of Sweden demonstrates how stigma is used to create a climate of antipathy towards the Sweden Democrats, who advocate the securitization of asylum. The power to allocate stigma is thus culturally and symbolically created, and constantly re-legitimized through the interplay of agency and structure. As long as the Sweden Democrats and asylum seekers in Australia retain some degree of social stigma, as illicit agents of deviant activity, hegemonic political actors may accumulate symbolic and political capital as protectors of the populace by constraining the threat these
illicit entities are constructed to pose. In so doing, the threat to securitize the issue of asylum in Sweden is constrained, while the politicized issue of asylum seekers in Australia is managed principally through their securitization. The fact that mainstream parties in Sweden endorse and enforce hegemonic norms of justice, equality and egalitarianism predisposes the government to oversee the protection of asylum seekers. However, stigma is also used as a means to erode the positional power of securitizing actors and de-legitimize securitization speech acts and their corresponding threat texts.

A key concept in the accumulation of symbolic and political capital through the use of stigma is the concept of power. The success of norm circles in wielding stigma – either to preserve the status quo of the hegemonic in-group or to destabilize (radicalize or transform) existing norms pertaining to asylum seekers as the out-group – is premised on the power relationship of the norm circle in terms of hegemonic norms, and norms of resistance. Indeed, Michel Foucault (1978) claims that power is everywhere and relations of power are not homogeneous but exhibit a range of manifestations, qualitative differences, and resistance possibilities. He contends that, even in situations of extreme oppression such as chattel slavery and colonization, those subjugated still have a field of possibilities in which to manoeuvre, resist, and subvert the imposed hegemonic order. By definition, those dominated are essentially free subjects capable of resistance, even though their activities, development, and existence are severely restricted and attenuated. Thus, the possibility of rewriting one’s subjectivity or joining forces with others to engage in more systematic resistance is always open. The present order is not a necessary order; rather, it is historical and contingent, open to alteration and even transformation.

Kevin Heller (1996: 83) concisely summarizes Foucault’s notion of power: “power is transformative capacity, the ability of an individual to influence and modify the actions of other individuals in order to realize certain tactical goals”. In other words, since “power is, for Foucault, coterminous with social change,” (Heller 1996: 83) power and resistance are correlative. As he states plainly in The History of Sexuality, vol. 1, “[w]here there is power,
there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power” (Foucault 1978: 95). Thus, power relationships depend on a multiplicity of points of resistance as expressed through the stigma wielded by norm circles. These points of resistance are present everywhere in the power network or field of power relations pertaining to asylum seekers. For Foucault, stigma is wielded as either a transformative or a preservative power of agents. Forms of resistance that seek to transform existing relations of power are the irreducible opposite of the hegemony that seeks to preserve itself (Foucault 1978: 95-96; Nielsen 2011).

In line with this theory of power relations, Cresswell, Karimova and Brock (2013) append to Elder-Vass’s notion of the ‘norm circle’ the subsidiary notions of the ‘Hegemonic Norm Circle’ (HNC) and the ‘Norm Circle of Resistance’ (NCR), defined in terms of their possession of and differential orientation to the correlation of dominant norms and their causal power. Agential power in this comparative study may be either preservative of a hegemonic norm, or seek to elicit a transformation of its hegemonic status. The intersubjective agreement between actor(s) and audience(s) on shared norms implies that agents may exert power to reinforce hegemonic norms or apply conscious effort to transform or prevent the reproduction of these norms. Stigma is the socio-psychological facet of the illocutionary force of a security speech act. The effect of stigma as it is used between a securitizing actor and his/her audience to elicit the relevant intersubjective agreement, fine tunes the norm-endorsing and norm-enforcing relationship between the actor and audience members of the norm circle to which he/she belongs. Stigma also plays a key role in reinforcing or eroding the positional power of a securitizing actor as a consequence of his/her interpersonal relationship to, and intersubjective agreement with, audience members of the hegemonic norm circle. Forms of in-group stigma may be used to resist the securitization of asylum. However, in-group stigma may also be used by securitization actors to de-legitimize advocates of humanitarian policies amongst the political elite. Out-group stigma is directed at asylum seekers to situate them outside the demos, and present them as
an existential threat to the nation or society.

The successful securitization of asylum involves the capacity of a hegemonic political elite to cast the asylum issue as a relationship of threat or enmity using out-group stigma, and to have this decision and declaration of threat to national security accepted by the audience of the hegemonic norm circle (HNC). In the process of dividing between ‘us’ and ‘them,’ the concept of societal security echoes the determination of friends and enemies beneath Carl Schmitt’s concept of the political (Williams 2003: 520). For Schmitt, an issue becomes political because of the particularly intense relationship that actors feel toward it. In its fullest form, this intensification yields an absolute divide between friend and enemy on the issue of asylum. As Schmitt argues,

The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping (Schmitt 1996: 19).

Or, as he phrases it even more starkly: “Every religious, moral, economic, ethical, or other antithesis transforms itself into a political one if it is sufficiently strong to group human beings according to friend and enemy” (Schmitt 1996: 19). It is this aspect of Schmitt’s thinking that informs the Copenhagen School’s formulation of security as constituted by the speech act (Williams 2003: 516). For securitization to occur, the asylum issue needs to be intensified to the point where it is presented and accepted as an existential threat by a securitizing actor and a relevant audience. For the Copenhagen School, the conflation of security with the logic of existential threat and extreme necessity – a condition that mirrors the intense condition of existential division, of friendship and enmity – echoes Schmitt’s concept of the political.

How and why the asylum seeker is perceived as a threat to the identity of the receiving state, thereby eliciting the friend-enemy distinction, involves an account of how the host community defines itself. Societal insecurity, as a consequence of an influx of asylum
seekers, exists when the host community identifies asylum seekers as a threat to their survival as an ethnic collective. The intensification of the perceived threat that asylum seekers present to national security yields an absolute divide between ‘us’ and ‘them’, or ‘friend’ and ‘enemy’. As Flahive (2007) contends, the creation of a national identity requires not only constructing an image of the nation, but also creating an outsider or ‘other’ that defines who the nation is not (Jordens 1995; Flahive 2007). These twin conceptualizations of ‘insider’ and ‘outsider’ produce idealized images of the ‘self’ and the ‘other’, which are used to exclude asylum seekers. For the Copenhagen School, societal insecurity is not inherently a security problem, but one that emerges from political processes that construct the issue – in this case, asylum seekers – as a threat to the survival of the culture belonging to a community of birth and presumed descent.

The securitization of asylum is reliant upon presentations of asylum seekers as existential threats to societal security through the speech act, thereby elevating the issue to one of national security where society and the state are at risk. I argue that this is facilitated through the deployment of ethnic constructions of national identity, as opposed to civic conceptualizations of national identity. This focus on existential threats at the heart of societal insecurity reflects Schmitt’s views on an actor’s (securitizing actor’s or audience member’s) political relationship to the issue of asylum as defined by exclusion and enmity. Where civic conceptualizations of national identity are collectively endorsed and enforced in relation to asylum policy, emphasis is placed on integrating refugees with the community of laws, social and political institutions, whilst endorsing shared values of egalitarianism, humanitarianism and equality. This is further explored in Section 5 of Chapter 2.

5. Critical Discourse Analysis (CDA)

In the thesis, the processes that enable or resist the securitization of asylum are examined through critical discourse analysis. I undertake an analysis of ‘threat texts’, which use a
range of narrative tools to present the securitizing actors as authoritative and to shape voter behaviour and legitimize securitizing decisions or moves.

In performing my empirical analysis, I carried out a thorough review of Australian and Swedish evaluative documents concerning asylum seekers for the official time period of 1989 to 2015. These documents included parliamentary debates across recent general elections in both countries, and the internal and external evaluations that parties of the Riksdag have carried out and commissioned. I have analysed key documents from the Parliament of Australia, the Swedish Riksdag, the Swedish Ministry of Justice and the Australian Government Department of Immigration and Citizenship, and also NGO Submissions to the United Nations Human Rights Committee, and to both the Australian and Swedish governments. I conducted semi-structured interviews with representatives of both governmental and non-governmental organizations in Australia and Sweden, including members of parliament, in order to supplement available printed sources. The interviews took place mostly in person. My intention was not to present the interview data as reflecting the full range of professional and political opinion, but to use it to supplement and interrogate the data collected from the published sources. All quotes used in the analysis are taken from the parliamentary records of the respective countries.

Carol Johnson (2007) posits that governmental ideology, which informs political discourse, is not independent of social, economic and historical contexts. She emphasises the complementarity of discourse analysis and traditional political science analysis involving electoral strategies and policy changes (Johnson 2007: 14). It is the relationship between discourse, ideology and policy that is of particular relevance to an analysis of securitization speech acts. In order to analyze the extent to which securitization speech acts are accepted or rejected in the Swedish parliament, I utilized principles of critical discourse analysis, which illuminate four key themes: how social and political issues are constructed and reflected in discourse; how power relations are negotiated and performed through discourse; how discourse both reflects and reproduces social relations; and how norms are produced and
reflected in the use of discourse (Paltridge 2006). The analysis considered the construction of the threat text; that is, how the content of the text is presented, and the sort of angle or perspective the actor adopts. Closely related to the construction of the threat text is the notion of foregrounding: that is, what concepts and issues are emphasized (such as the illegality or criminality of asylum seekers) as well as what concepts and issues are played down or backgrounded in the text (such as human rights and the state’s obligations under international law). Equally important to the analysis are the historical context of the political party to which the actor belongs, and the attitudes and points of view that the text presupposes (Huckin 1997).

The norms and values that pervade either the security discourse or the inclusive, human rights discourse are often out of sight rather than overtly visible. As Hyland (2005: 4) observes, acts of constructing meaning through discourse are “always engaged in that they realize the interests, the positions, the perspectives and the values of those who enact them”. The aim of a critical approach to discourse analysis is to help reveal some of these hidden and often out of sight values, norms and perspectives. As Rogers (2004: 6) contends, discourses “are always socially, politically, racially and economically loaded”. At first glance, discourse analysis challenges the positivist concept of reality. Positivist epistemology treats relations, structures, and processes in the world as independent facts; reality is given, natural, and difficult to change. Although discourse analysis does not dispute the reality of physical objects, as opposed to some post-modernist theories, it claims, “they acquire meaning only through discourses” (Jørgensen and Phillips 2002: 62). In other words, along with the physical reality of natural objects, reality is essentially constructed through discourse.

The first goal of critical discourse analysis is to provide a detailed description, explanation, and critique of the strategies speakers use to naturalize discourses, that is, to make discourses appear to be “commonsense, apolitical statements” (Riggens 1997: 3). This forms the textual side of the critical study of speech acts, and the language of stigma that is used to constrain
and enable securitization moves. Here, the researcher looks at the texts in order to understand what kind of grammar is used to discuss and construct security, as well as examine the kind of strategies that are exercised in order to reinforce existing structures and power relations. The second aim of critical discourse analysis is contextual. In this regard, discourses are analyzed “in relation to other texts and in relation to the social context” (Jørgensen and Phillips 2002: 78). Bilgic (2006) argues that the contextual aspect of critical discourse analysis creates the possibility of establishing links between discursive and social practices – be they exclusive or inclusive practices centred on ethnic conceptualizations of national identity or civic conceptualizations of nationhood – that are assumed to be mutually constitutive. Furthermore, the historical development of a particular security discourse can be analyzed only in relation to its specific national context. Of utmost importance is the use of critical discourse analysis to scrutinize existing structures and power relationships. Critical discourse analysis asks the following questions: which norm circle (hegemonic or resistant) is benefiting from the particular type of security discourse? Which norm circles are reinforcing their positional power by wielding stigma (transformatively or preservatively)? And who is being excluded or included as a consequence? Critical discourse analysis is consistent with the critical realist approach to securitization theory, problematizing existing social structures (norm circles) and their intra-relationships for the purpose of de-securitizing groups of individuals such as asylum seekers.

An analysis of this kind transcends the level of description to provide a deeper understanding of security speech acts, as well as the discourses that are used to reject these speech acts, and provides, as far as might be possible, some kind of explanation of why a particular threat text might exist as it is, and what it is aiming to do. It looks at the relationship between language, social norms and values and aims to describe, interpret and explain this relationship. In so doing, it provides a succinct way of exploring, and perhaps challenging, some of the hidden and out of sight social, cultural and political norms that underlie the use of securitization discourses. In Sweden, the rhetoric of inclusion and exclusion in such debates is very
prominent, and reflects underlying norms of international law, civic national identity, egalitarianism and human rights advanced by mainstream parties, as well as exclusionary norms based on xenophobia and intolerance that are opposed to international law, for which the Sweden Democrats are chief advocates. In Australia, both major parties have engaged in a ‘race to the bottom’ based on a rhetoric of exclusion of asylum seekers. Within the selected discourse, I focus primarily on speech that most clearly exhibits the discursive properties of the exercise of hegemonic norms and their corollary, transformative norms or norms of resistance.

6. Conclusion

This tension between the Copenhagen School’s articulation of a securitization speech act as an event and the result of a negotiated process between actor and relevant audience corresponds to tensions that lie between internalist and externalist renditions of securitization theory. Rather than establish securitization as a negotiated process, I lean on the side of Wæver, who argues for a singular centre of gravity based on the relationship between actor and audience. This is the illocutionary event, a direct causal appropriation of *language to action*, based on the compatibility of the security utterance with the norms governing the interpersonal relationship between securitizing actors and their relevant audience(s) (i.e. their mutual, intersubjective endorsement of specific hegemonic norms). Criticism of the theory has extended beyond finding the right centre of gravity of securitization theory to the difficulty involved in empirically determining whether securitization has occurred. I attempt to reconcile the need for a theoretical articulation of social mechanisms, agency and contexts for progressive dialogue with the Copenhagen School’s focus on the illocutionary act as the performative centre of gravity. In terms of identifying which audience is most relevant and why (Stritzel 2007: 363), as well as the need to draw the role of the audiences into the framework more coherently (McDonald 2008: 573), I have drawn on Elder-Vass’s theory of norm circles, identifying members of hegemonic norm circles as the relevant target audience.
for securitizing actors. McDonald (2008: 580) has contended that, in theoretically conceptualizing the relevant audience, the Copenhagen School will “almost certainly need to downplay either the performative effects of the speech act or the inter-subjective nature of security”. I, however, argue that this is not necessarily the case, given the illocutionary focus of the speech act, which allows for performative effects to be understood as products of an intersubjective agreement between actor and audience.

I argue that the uptake of meaning and force of a securitizing speech act is reliant upon the relationship between actor and audience. An understanding of the meaning of the utterance is premised on the intersubjective agreement between actor and audience of shared norms to be endorsed and enforced. In this way, the illocutionary force of the speech act also reinforces the positional power of the securitizing actor and the extent to which his/her positional power bears on the actor’s relationship with his/her audience. The illocutionary effect of a security speech act in relation to issues of asylum lies in its reinforcement of a hegemonic norm, such that asylum seekers come to be perceived entirely in relation to the existential threat they pose to the demos. Acceptance of the securitization speech act elicits the reinforcement of a securitizing actor’s positional power, and the preservation of hegemonic norms. I also introduce the effect of stigma as it is used between securitizing actor and his/her audience to elicit the relevant intersubjective agreement, thereby highlighting the norm-endorsing and norm-enforcing relationship between the actor and audience members of the norm circle to which he/she belongs.

In both the Australian and Swedish case studies, the parliament is established as a field of asymmetrical power-relations, consisting of norm circles and the power that they exert to either preserve or transform an existing normative hegemony. Stigma is conceived of as the causal power of norm circles, one that is intimately involved in the production, reproduction and transformation of the normative political order. Stigma, then, as a component of praxis, involves the capacity to transform, or to (re-)produce specific effects and outcomes as a result of the coercive sanctions placed by agents upon ‘deviant’ members of the norm circle.
The praxis of stigma that emerges structurally from the HNC is preservative of hegemonic norms. Alternatively, stigma wielded, as the transformative praxis of political actors and groups of the NCR, is conceived as a form of resistance to hegemonic norms and their government of the rules-of-the-game in relation to asylum policy. I establish that it is the intersubjective relationship between actors and audiences in these norm circles that accounts for how the illocutionary speech act achieves success in the co-produced event of the securitization of asylum.
Chapter 2

Comparing Asylum Policy in Australia and Sweden

1. Introduction

Both Australia and Sweden faced increasing applications for asylum in the early 1990s, linked to different regional circumstances, but they responded in different ways. The issue has been a highly politicized one in both countries since the early 1990s, and not just a routine policy matter in terms of securitization theory. Yet securitization occurred in Australia and not in Sweden, even though the latter faced greater burdens of integrating refugees. The number of asylum applicants in Sweden in 2015 marked the highest level on record, far exceeding the asylum intake of 1992 when more than 84,000 people, many of them fleeing the former Yugoslavia, requested asylum in Sweden.

Despite this significant influx of asylum seekers, official Swedish rhetoric since the 1990s has remained strongly humanitarian and in line with norms of international law. The fact that Australia has gone in the opposite direction, and securitized the issue of asylum since 1992 with the introduction of mandatory detention – despite the comparatively small number of asylum seekers that it has received – lends itself to a comparison with Sweden. What is remarkable is that there has been no securitization of asylum policy by the major parties in Sweden, although it has consistently faced larger numbers of asylum seekers than Australia, particularly proportionately to population. This chapter presents the basis for a comparison of asylum policy in Sweden and Australia. In Australia, securitization of asylum has centred
an cultural construction of asylum seekers who are excluded as the ethnically threatening ‘Other’. By contrast, civic conceptualizations of national identity endorsed by established parties in the Swedish Riksdag have been integral to the Swedish government’s aversion to constructions of asylum seekers that invoke enmity and fear.

In the next section, I provide a rationale for the comparative study of securitization in Australia and Sweden. Thereafter, I discuss three different phases of asylum policy change in Australia and Sweden, which demarcate key points of divergence in asylum policy for two countries experiencing similar asylum pressures, with the same obligations towards refugees under international law. I then examine the political context of this divergence in asylum policy by highlighting differences in political systems, as well as differing dominant norms and conceptualizations of national identity in both countries.

2. Australia and Sweden in Comparative Perspective

To uncover reasons behind a state’s choice to securitize or not to securitize the issue of asylum, it is essential to compare states that bear similar attractiveness to asylum seekers, that hold similar obligations towards asylum seekers, but which have responded very differently in terms of securitizing the issue. The most causally significant variables for comparing Australia and Sweden are hypothesized to be the hegemonic norms, the dominant conceptualizations of national identity in both countries and the nature of their political systems. These independent variables condition the state of securitization in the country. The comparison of Sweden and Australia is illuminating because both countries have faced similar pressures on their asylum systems that would suggest similar policies, yet have proceeded in very different directions on securitization. Both Sweden and Australia are signatories to the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees, and belong to the OECD club of developed countries. Australia’s and Sweden’s membership of this group of industrialized nations provides common ground for a
comparison of two developed countries with established asylum processing systems. Sweden and Australia thus provide a basis for a similar systems comparison.

At the time of ratifying the Convention and Protocol, neither Sweden nor Australia was likely to experience major onshore asylum claims because of their geographical distance from countries of origin. Indeed, of the 44 industrialized countries, both Sweden and Australia are non-geographically proximate destination countries for most asylum seekers, who make first instance claims spontaneously, rather than having been transferred as part of resettlement programmes through the agency of governments in conjunction with organisations such as the United Nations High Commissioner for Refugees (UNHCR). Such claims are almost always submitted within the destination country or at its border by any mode of arrival (boat, air or by land). Despite belonging to different regional frameworks, Sweden and Australia share a similar geographical distance from refugee source countries. Although it remains that countries closer to countries of refugee origin are more likely to encounter a disproportionate share of asylum applications, both Sweden and Australia have been significant destination countries for asylum seekers in their regions, Scandinavia and Australasia respectively. Both countries have experienced the challenge of onshore asylum seekers since the late 1980s, one that has continued into the 21st century.

Australia became signatory to the 1951 Refugee Convention on 22 January 1954. On 22 October 1954, Sweden’s signature brought into force the same United Nations Refugee Convention. The 1951 Convention defines the obligations of refugees towards their host country. The cornerstone of the 1951 Convention is the principle of non-refoulement contained in Article 33. According to this principle, Australia and Sweden are obligated to not return an asylum seeker to a country where he or she faces serious threats to his or her life or freedom. Other rights contained in the 1951 Convention, which both states are obliged to protect under international law, include: the right not to be expelled, except under certain, strictly defined conditions (Article 32); the right not to be punished for illegal entry into the territory of a contracting State (Article 31); the right to work (Articles 17 to 19); the right to
housing (Article 21); the right to education (Article 22); the right to public relief and assistance (Article 23); the right to freedom of religion (Article 4); the right to access the courts (Article 16); the right to freedom of movement within the territory (Article 26); and the right to be issued identity and travel documents (Articles 27 and 28) (UNHCR 2011a).

Unlike Sweden, Australia has no court of human rights in which it can be held accountable for breaches of its obligations under international law. Offshore processing as currently enacted by the Australian Government arguably stands in violation of the Refugee Convention (Crock and Ghezlbash 2011; Kneebone 2008; McAdam and Chong 2014; McAdam and Wood 2012). Other legislation, such as the Migration and Maritime Powers Legislation Amendment Bill 2014, deliberately removes most references to the 1951 Convention from the Migration Act 1958, the legislative basis for asylum and refugee applications in Australia. The absence of a court to hold Australia accountable for its legal obligations towards asylum seekers has made the Australian government less likely to be constrained by norms of international law.

In 2015, approximately 1.65 million asylum seekers were registered in OECD nations, a record high. Europe received almost 1.3 million of these asylum seekers, who arrived mostly from Syria (25%) and Afghanistan (16%). Sweden received the most applications of all OECD countries in proportion to its population (16 per 1,000 inhabitants) and did not securitize the issue of asylum (OECD 2016). A similar trend was observed in 2014 when Sweden, the highest-ranking recipient of asylum seekers per capita (7.8 per 1,000 inhabitants) chose not to securitize the issue (UNHCR 2015: 20). At the time, OECD nations including the United Kingdom, Denmark, the United States and Australia registered much fewer asylum seekers than Sweden with 1.2, 2.6, 0.4 and 0.4 asylum seekers per 1,000 inhabitants respectively (UNHCR 2015: 20). However, these countries were already entrenched in securitized border management policies that involve a web of surveillance operations, deterrence policies, detention regimes and deportation systems (Borbeau 2011; ECRE 2010).
In seeking to compare Australia with another OECD country with the same obligations, but a contrasting approach to securitization, I draw on a policy index developed by Tim Hatton (2009; 2011; 2015) to compare changes in a country’s asylum laws, regulations and policy across a subset of 19 OECD countries. Measured across 15 years (1997-2012), changes related to a government’s asylum policies in either a more restrictive or more generous direction are measured along three dimensions. These are (1) access policies that include amendments to laws and policies that may prevent asylum seekers from reaching state territory in order to access asylum procedures (e.g. border security, visa requirements etc.); (2) changes in processing policies or the refugee status determination procedure that determines an applicant’s residency status (e.g. expedited procedures, scope for appeals etc.); and (3) changes in welfare conditions during and immediately after processing (e.g. detention policy, permission to work etc.). Hatton and Moloney (2015) reveal that for most of the countries, the trend across the late 1990s to 2012 has been towards more restrictive policies (see Table 2.1 below). Sweden is the principal country among the 19 OCED states analysed by Hatton and Moloney (2015) that did not toughen its policies. Rather, it proceeded in the opposite direction towards more generous policies. The index for Australia exhibits a substantial increase in restrictive asylum policies up to 2004 in the aftermath of the Howard government’s ‘Pacific Solution’.
Table 2.1 Hatton and Moloney’s (2015) Composite Index on Asylum Policy in 19 OECD countries.

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Source: Authors’ calculations, the index starts at zero in 1997.

However, Hatton and Moloney’s (2015) index captures only major changes in policy corresponding to changes in access, processing and welfare policies, and not the indicators of securitization itself, which include the establishment of asylum seekers as a threat to national security, as well as the securitization moves that are consequent. Such securitization moves include the transfer of asylum seekers to offshore detention facilities and the militarization of border security, allegedly to protect the Australian demos from the influx of asylum seekers. Hatton and Moloney (2015: 15) concede that the major changes in policy that they capture are based on judgements that are inevitably subjective. Hence, the composite index neither captures the drastic shift from non-securitization to the securitization of asylum that occurred in 1999-2001, nor the re-securitization of asylum that occurred in 2010. McDonald (2011) clearly demonstrates that the re-securitization of asylum began in the lead-up to the 2010 federal election, during which both major parties framed the issue of asylum within the context of national security.
Hatton and Moloney’s (2015) index also does not reflect the subsequent intensification of securitization discourse in the Australian parliament towards the end of 2012, in the lead-up to the 2013 federal election. For instance, it ignores the re-establishment of offshore processing on Manus Island and Nauru in November 2012, which included the transfer and indefinite detention of families with young children (Refugee Council of Australia 2016a). Similarly, on 14 December 2012, UNHCR condemned the conditions in the offshore processing facility in Nauru as harsh and unsatisfactory (Mahecic and Dobbs 2012). The absence of a fully functional legal framework and adequate system to assess refugee claims meant that Australia did not meet the protection standards for a country signatory to the 1951 Refugee Convention.

The tightening of securitization from 2010 to 2012 is not adequately reflected in the indicators used by Hatton and Moloney (2015) to measure policy change in a restrictive direction. Accordingly, the index for 2008 and 2012 should reflect a steady increase in the level of securitization of asylum in Australia. From 2012 to 2015, securitized asylum policies intensified in Australia, although the country’s intake of asylum seekers remained small in comparison to the other countries. By contrast, Sweden experienced the greatest influx of asylum seekers per capita among the 44 industrialized countries between 2012 and 2015, and yet the Swedish government continued to ease its policies towards asylum seekers during this time and vehemently resist attempts at securitization. This has remained the case despite it being the country that has assumed a significantly larger burden of asylum seekers per capita in recent years. Between 2010 and 2014, Australia registered 2.6 asylum seekers per 1,000 inhabitants while Sweden processed 24.4 asylum seekers per capita – the highest of all the 44 industrialized countries (UNHCR 2015: 20).

Hatton and Moloney’s (2015) composite index offers critical insight into the Swedish model. In Table 2.1, Sweden is clearly the main example of an OECD country experiencing an increased asylum burden but not securitizing the issue. Swedish asylum policies became more inclusive between 2008 and 2012. In response to the intensification of conflict in Syria
in 2013, Sweden announced that it would grant asylum to all Syrian asylum seekers who apply, setting an important precedent for other European nations. This reflects the hegemony of inclusive norms of international law in relation to asylum policy. In 2014, the Nordic countries of Denmark, Sweden, Norway, Finland and Iceland, with a combined population of 26 million (roughly equivalent to Australia’s 23 million) received and processed 106,200 asylum claims. Sweden saw a 38% increase in asylum applicants that year, reporting the second highest level on record with 75,100 asylum applications. Conversely, Australia received and processed 9,000, down 24% from 2013 (11,700 claims), reflecting the state’s endorsement of hegemonic, exclusionary norms towards asylum seekers.

In 2015, European Union (EU) member states received more than 1.2 million asylum applications, with Germany and Sweden receiving close to 50% of applications launched in the EU (UNHCR 2015: 35). Among the 44 industrialized countries identified by the UNHCR as high-income states, Sweden ranked third in 2015 with 156,400 new applications for asylum, more than double the previous year. On a global scale, including both low- and high-income countries, Sweden and Malta were the only high-income countries featuring in the list of top 10 countries hosting the largest number of refugees per 1,000 inhabitants (UNHCR 2015: 18). In 2015, Sweden was the second-largest recipient of Syrian and Afghan asylum seekers (after Germany and Turkey, respectively) and the third-largest for Iraqis after Germany and Turkey (UNHCR 2015: 38). At the same time, Sweden not only registered the most asylum applications from unaccompanied or separated children across the European Union, but also the highest number of asylum claims from unaccompanied or separated children among all countries reporting such statistics.

In 2014-2015, Sweden saw the largest per-capita inflow of asylum seekers ever recorded in an OECD country (163,000) (OECD 2016). This was 6.65% of the global population of asylum seekers. In contrast, of the 2.45 million refugees who had their status recognised or were resettled in 2015, just 0.48% were assisted by Australia (11,776 asylum seekers). On 9 September 2015, the Australian Government declared that it would make extra 12,000
humanitarian places available to asylum seekers from Syria and Iraq and grant these refugees permanent residency visas (Australian Government 2016). However, as of March 2016, fewer than 30 refugees had been resettled in Australia (ABC News 2016).

The role of hegemonic norms among the parliamentary elite of Sweden and Australia is crucial in determining reasons behind the pursuit of humanitarian policies in Sweden and draconian securitization in Australia. In the thesis, I conduct a similar systems comparison of two wealthy liberal democracies that have faced similar pressures over similar time periods, but that have emerged with very different policies on asylum. Selection on the independent variable is justified as it facilitates close examination of processes driving outcomes (Landman 2008; Anckar 2008). I hypothesize that the independent variables identified, including the different hegemonic norms, dominant conceptualizations of national identity and the different nature of their political systems, are causally significant in accounting for Sweden’s generous response to asylum seekers and Australia’s harsh securitization of asylum, despite the far greater burden of asylum seekers assumed by Sweden compared to Australia.

Three key factors distinguishing Australia and Sweden make this comparison worthwhile. First, the nature of the political systems (an independent variable) of Australia and Sweden contrasts significantly, with Australia as a majoritarian hybrid and Sweden a strong consensus system since the decline of Social Democratic governance in the 1980s. Comparing Australia and Sweden enables an assessment of the impact on asylum policy of different political systems that sustain exclusionary or inclusionary forms of national identity in relation to asylum seekers, over a substantial period when asylum policy has had political salience. In Australia, executive power is highly concentrated, so the parliamentary executive, once it commands the support of a parliamentary majority, can formulate policy without regard for the views of other parties, unless particular decisions require legislation, in which case the executive must gain sufficient support in the Senate to get its legislation passed. In Sweden, power is distributed within a unicameral parliament, the Swedish
Riksdag. In the comparative study, the nature of the political system represents a structural, not a policy-related factor that can be assessed to see how it has affected the securitization of asylum policy.

Second, a significant factor that accounts for the securitization and non-securitization of asylum in Australia and Sweden respectively is arguably the different expressions of nationalism in both countries. The comparison gives an opportunity to assess the influence of different forms of nationalism on the securitization of asylum. A nationalism based predominantly on civic aspects, albeit with weaker ethnic elements, was the more inclusive choice for integrating segregated classes of Swedes during Sweden’s formative years of establishing a national identity (Schall 2012; Stråth 1994, 2004). By contrast, a predominantly ethnic nationalism, with weaker civic elements, has largely underpinned Australian nation-building. Even multiculturalism in Australia has, at its core, a dominant Anglo-Saxon cultural strain that migrants and asylum seekers have to adapt to (Australian Government 2003; Tate 2009). In a speech delivered on the eve of Australia Day in 2006, former Prime Minister John Howard attested to the dominance of the Anglo-Saxon culture that has shaped Australian national identity:

Most nations experience some level of cultural diversity while also having a dominant cultural pattern running through them. In Australia’s case, that dominant pattern comprises Judeo-Christian ethics, the progressive spirit of the Enlightenment and the institutions and values of British political culture. Its democratic and egalitarian temper also bears the imprint of distinct Irish and non-conformist traditions (Howard 2006).

Michael Hjerm (1998) argues that, of the various types of immigration models defined by Baldwin-Edwards (1991) – the Mediterranean, with an emigration history and poor immigration infrastructure, the Continental, the Scandinavian, and finally the Liberal or the UK model with its colonial background – Australia has most in common with the Scandinavian immigration system. Citizenship policy and policy on multiculturalism in both countries are broadly similar. In Australia and Sweden, citizenship policy could be said to be
a combination of *ius soli* and *ius domicilii*, in other words, birth on the territory and/or time spent on the territory (Brubaker 1992; Hammar 1993; Hjerm 1998). The policy of multicultural Australia was adopted after formally giving up the ‘white Australia’ policy in 1973; similarly, since 1975, Sweden has adopted a policy of multiculturalism with “equality of living standards, cultural freedom and political solidarity between the majority and minorities” as overarching goals (Government of Sweden 1975; Ålund and Schierup 1996; Hjerm 1998: 454). From the mid-1970s to the mid-1990s, the two nations converged on the treatment of newcomers to the nation-state. Both demonstrated an affinity towards integration as opposed to assimilation, where assimilation is characterized by “a will to incorporate immigrants in the majority culture,” whereas integration refers to “the incorporation of immigrants into the civic society without demands for cultural assimilation” (Hjerm 1998: 456). Since 1996, however, the two countries have diverged in their treatment of newly arrived immigrants. While the Howard government abandoned multiculturalism in favour of assimilationist policies, successive Swedish governments have continued to actively integrate immigrants into the civic society, but not to try to culturally assimilate them.

Hjerm’s (1998: 457) comparison of national identity in Australia, Sweden and Germany prior to 1996 revealed that post-assimilationist Australia epitomized the multicultural model of national identity, with “active immigration and naturalization policies” and the “active pursuit of cultural diversity in the private sphere” with efforts made to integrate immigrants into civil society. Hjerm posited that Sweden came closer to multicultural Australia than ethnic Germany with its liberal citizenship, immigration policies, and active integration efforts. However, at the height of Australia’s multiculturalism in the early to mid-1990s, Sweden fell short of being classified as multicultural in an Australian sense, and was classified as semi-multicultural (Hjerm 1998: 457). In 1997, however, at a time when Prime Minister John Howard began dismantling Australia’s multiculturalism framework, the Swedish government began enforcing greater integration and anti-discrimination policies in
a multiculturalist context (Soininen 1999). While the Howard government emphasized ethnic nationalism and assimilationist policies to exclude asylum seekers after 1996, the Swedish government has proceeded in the opposite direction, emphasizing anti-discrimination, integration and civic nationalism to include asylum seekers in the *demos*.

Third, both Sweden and Australia have faced broadly similar periods of political controversy about asylum policy since the late 1980s and early 1990s (Phase 1), with substantial policy difference emerging in Phase 2 (1998/9 to 2001) and becoming entrenched in Phase 3 (since 2010), which is the main empirical focus of the study, because that is when securitization in Australia, and non-securitization in Sweden was reinforced. Hatton and Moloney’s (2015) study of asylum policy in 38 OECD countries shows that the total number of applications to these countries, which include Sweden and Australia, peaked at over 850,000 in 1992; and that, after some decline, it reached a second peak of more than 600,000 between 2000 and 2002. Total applications declined to their lowest point of 300,000 in 2006 before rising again to 600,000 in 2013. The periods of controversy over asylum policy in Australia and Sweden overlap with the periods of growth and decline in asylum applications among the 38 OECD countries. The dramatically different asylum policy outcomes in Sweden and Australia make for an illuminating comparative study of the effect of norms, national identities and political systems on the decision to, and not to, securitize the issue of asylum.

3. Phases of Asylum Policy Change and Securitization

There have been at least three periods when increased flows of asylum seekers have become an important political issue in both countries. In Australia, increased asylum flows were experienced in 1991-1992, 1999-2001 and 2010, while Sweden experienced a significant increase in 1992, 2001-2002 and more recently in 2014 and 2015. In the previous peak boat arrival years of 1991-1992 and 1999-2001, asylum seeker arrival numbers in Australia were very small compared to Sweden. In 1992, Sweden received 81,018 asylum seekers,
predominantly from the former Yugoslavia, while Australia received 216 asylum seekers arriving by boat. In 2000, for example, when approximately 3,000 boat people arrived in Australia, Sweden hosted over 16,000 refugees from Iraq, Afghanistan, Bosnia and Herzegovina, and the former Yugoslavia. More recently, in 2010-2011 (when there were 4,565 asylum seekers who arrived by boat in Australia) Sweden hosted 32,000 refugees (Migrationsverket 2016a). While Sweden has experienced large influxes of asylum seekers since 2011, which peaked at 163,000 in 2015, Australia received only 16,117 asylum applicants or 0.3% of the global total in 2015 (Migrationsverket 2016a; Refugee Council of Australia 2016b).

3.1 Early 1990s

Australia

In late 1989, as the Cambodian civil war ensued, the first of several fragile boats carrying Cambodian asylum seekers arrived on Australian shores. At the time, Prime Minister Robert Hawke claimed that the Cambodians were “economic migrants” (Masanauskas 1992: 4). While the 216 asylum seekers who arrived in Australia were far fewer than the 14,106 asylum seekers from the Balkans who arrived in Sweden in July 1992, the Cambodian asylum seekers received much harsher, punitive treatment in Australia. They were detained for over four years in the Villawood and Port Hedland detention centers in Sydney and remote Western Australia, awaiting the Australian Federal Government’s determination concerning their claims for refugee status. In May 1992, the Keating Labor government introduced mandatory detention for asylum seekers arriving by boat who had not gained authorization for entry under Australia’s national immigration laws. The decision was made after the arrival of some 653 Cambodian asylum seekers between November 1989 and November 1992 (Phillips and Spinks 2013: 23; Australian Government 2004). Furthermore,
by November 1992, approximately 90% of the Cambodian asylum seekers in detention centers had been denied refugee status\(^1\) (Milliken 1993: 13).

The Keating government’s mandatory detention legislation sparked a national controversy, with human rights advocates charging that the additions to the Migration Act – what is now Division 6 of Part 2 – violated the human rights of asylum seekers (Australian Council of Churches 1992). Sections 177 and 178 of Division 6 provided for the compulsory detention of boat people for up to 273 days. Furthermore, immigration (now Section 183), which was declared invalid by the Australian High Court in 1992, provided that “courts shall not order the release of designated persons” (Chu Kheng Lim v. Minister for Immigration, Local Government and Ethnic Affairs, [1992]); Office of Parliamentary Counsel 1958: 277). In 1994, the 273-day time limit was removed, giving rise to the punitive policy of indefinite mandatory detention. Australia’s policy of mandatory detention for boat people is indicative of how established penology focused on deterrence and the threat of punishment has merged with new strains of penology emphasizing risk reduction within the context of securitization. In maintaining its policy position to date, the Australian government reveals its blunt disregard for the broader context of unequal access to global mobility that makes irregular maritime entry the only way of seeking asylum for many persons in need of protection.

While the Keating government justified the incarceration of asylum seekers on the grounds of protecting Australia’s right to secure its borders and restrict illegal immigration – with the Australian High Court confirming the constitutional validity of most of the legislation – the Swedish government proceeded in the opposite direction, with its intake of over 80,000 asylum seekers throughout the Balkan crisis of the early 1990s.

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\(^1\) This period in Australia’s immigration history is discussed in Mary Crock (1993), Protection or Punishment: The Detention of Asylum-seekers in Australia (Sydney: The Federation Press); and Mary Crock and Daniel Ghezelbash (2010), ‘Do Loose Lips Bring Ships? The Role of Policy, Politics and Human Rights in Managing Unauthorised Boat Arrivals’, Griffith Law Review, 19(2), pp. 238-287. See also Mary Crock and Laurie Berg, Immigration and Refugee Law in Australia (Federation Press, 2011) chapters 3, 4 and 16.
Sweden

Up until 1985 almost all asylum applicants in Sweden were granted protection rights under international law. Sweden had a high international profile focusing on solidarity with the Third World, and a generous refugee policy was part of this solidarity. Before the late 1980s, the numbers of applicants were low and consequently the display of international solidarity did not cost much to uphold domestically. Once asylum applicants increased in number, a frustration with the existing refugee policy surfaced among politicians. After 1985, Swedish asylum policy-making became highly politicized (Abiri 2000: 14). In 1989, fears pertaining to the large-scale refugee flows from the former Yugoslavia led the Swedish Social Democratic Party to reform refugee policy in a restrictive direction. With the Lucia Decision in December 1989, the Social Democratic Party declared that only strict applications of international law with regard to refugee policy would be utilized. The Social Democratic Minister for Immigration at the time, Maj-Lis Lööw, stated in December 1989 that limitations to Sweden’s asylum intake were needed to safeguard dignified reception:

We have reached the limits of how much we can cope with. If, in the future, we are to keep our ability to offer a haven for those most in need, then we have to restrict the possibilities for others to gain residence permits in Sweden (quoted by Lundh and Ohlsson 1994: 91).

Temporary permits for residency or work proposed by the Social Democratic Party delineated boundaries of the Swedish demos (and the institutions of the Swedish welfare state), and could be seen as an assertion of state sovereignty. It was asserted that asylum seekers who are hosted on a temporary basis held their primary identities elsewhere and not in Sweden (Hinnfors, Spehar and Bucken-Knapp 2012: 598). This view squared well with the Social Democratic Party’s welfare state ideology, but was largely incompatible with the smaller parties’ conceptualization of a civic national identity supportive of democratic norms of egalitarianism, humanitarianism, equality and human rights. The smaller parties that endorsed such norms included the Liberals, the Centre Party, the Christian Democrats, the
Green Party and the Left Party. As a result, the proposal was never implemented, and a non-socialist Coalition successful at the 1991 Swedish general election scrapped the bill six months after it was proposed.

This was a powerful testament to the enforcement of a normative social consensus in Sweden based on human rights, justice and tolerance surrounding asylum policy and the nation. Indeed, the endorsement of these inclusive, human rights norms by the non-socialist established parties of the Swedish political elite has given these norms hegemonic status in the Riksdag. Against the backdrop of the rise of a right-wing populist party, New Democracy, and in the face of a massive wave of Bosnian refugees, the non-socialist government granted 40,000 Bosnian refugees permanent residency in 1993 (Hinnfors, Spehar and Bucken-Knapp 2011: 18). New Democracy emerged as an anti-immigration party, which found its support within an electorate that was frustrated and disillusioned by traditional party politics. Although the Social Democratic and Moderate parties had sought to pursue a more restrictive asylum policy, they revised their position along humanitarian lines in order to distance themselves from the xenophobic populism of New Democracy (Abiri 2000).

Both Social Democratic and Centre-Right governments in Sweden have modified asylum policy, but their policy goals have remained constant. Asylum policy in Sweden is officially based on humanitarian principles, generosity, international solidarity and human rights. According to Abiri (2000), it contains the following key elements:

International activities aimed at counteracting or solving conflicts and upholding international respect for human rights; economic support to UNHCR and other organizations that carry on refugee work outside Sweden; international co-operation to promote distribution of the responsibility for refugees among different countries, and to strengthen the legal protection of refugees; transfer to Sweden of particularly vulnerable persons in need of a sanctuary from persecution; the reception of other groups in need of protection; a state-financed community reception of refugees and other groups in
need of protection; support to individuals who have permanent residence permits and who want to leave Sweden to take up residence in their home country or another country (Abiri 2000: 14).

The consistent generosity upheld by political parties has been the outcome of consensus politics that has been the hallmark of Swedish asylum policy-making. However, with smaller parties arguing against the need for a restrictive asylum policy, political contestation over asylum policy change has continued in Sweden since the early 1990s.

3.2 1999-2001

Australia

In Australia, the number of asylum seekers arriving by boat steadily increased between 1998 and 2001, prompting the Liberal-National Coalition government to invent harsher mechanisms of deterrence and more inhumane exclusionary asylum policies. As part of the Australian government’s punitive asylum policy, Temporary Protection Visas (TPVs) were introduced on 13 October 1999 for recognized refugees who arrived by boat in Australia. Human Rights Watch (2003) criticized Australia as the only state signatory to the 1951 Refugee Convention to grant Temporary Protection to refugees who had undergone the entire determination process and were found to be in need of protection. Further, the Australian Human Rights Commission (2004; 2005) found that TPVs contravened Australia’s obligations under the Convention on the Rights of the Child. Despite these criticisms, the Howard government continued to punish asylum seekers arriving onshore for short-term political advantage.

While highly securitized asylum policy in Australia can be regarded in part as the legacy of the White Australia policy, political decisions since 1992 have involved the exploitation of asylum seekers for electoral advantage. In Australia, a confluence of events in 2001 – the
Tampa incident\(^2\) and 9/11 – enabled the then Coalition government to exploit public anxieties about global terrorism. The Howard government created a rhetorical and legislative divide between the rights of resettled refugees, and those arriving by boat in Australia, described variously as ‘illegals’, ‘queue jumpers’, and ‘unauthorised arrivals’. A similar demarcation was made between the rights of onshore arrivals and visa overstayers. The events of 9/11 were skilfully manipulated to suggest that the asylum seekers on board the Tampa might themselves be terrorists and present a danger to the security of Australia (McAdam and Purcell 2008). Since that time, both major parties have played up the idea of the ‘good asylum seeker’ who waits for resettlement, and the ‘bad asylum seeker’ who ‘jumps the queue’. Although international law makes no such distinction – a person either has a well-founded fear of persecution, or does not – this line between the invited and the uninvited facilitated the growth of Australia’s elaborate deterrence regime. A bipartisan consensus on a deterrent, exclusionary asylum policy was forged during this time, when Labor, the main opposition party, decided that as a matter of election strategy it would support the Liberal-National Coalition government’s migration law agenda, due to strong public support for the government’s handling of those events (Dauvergne 2008: 176).

In addition to Temporary Protection Visas and indefinite mandatory detention, the Howard government introduced migration excision zones and offshore processing arrangements with Nauru and Papua New Guinea. On 29 August 2001, the Howard government introduced the Border Protection (Validation and Enforcement Powers) Bill, which provided retrospective validation of actions taken by the Australian government in relation to the Tampa. It preserved and extended the powers of Australian officials to detain, restrain, search and

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\(^2\) On 26 August 2001, a Norwegian container ship, the MV Tampa, rescued 433 Afghan asylum seekers on board a distressed Indonesian fishing boat in the Indian Ocean. When the asylum seekers on board refused to return to Indonesia, the Tampa’s captain, Arne Rinnan, intended to take them to the nearest port but was requested by the asylum seekers to proceed to Christmas Island. However, before the Tampa reached Australia’s territorial waters, it was instructed to remain in the contiguous zone. The Howard government refused the entry of the asylum seekers to Australia, arguing that such a decision was necessary to protect the nation’s sovereignty; that Australia’s detention centers were full; and that in the wake of 9/11, there could be terrorists among them. With the health of asylum seekers on board rapidly deteriorating, the Tampa issued a distress signal on 28 August, based on the fact that assistance had not been provided within 48 hours. On 29 August, it proceeded into the territorial waters surrounding Christmas Island and was interdicted by 45 SAS members. The Howard government introduced the Border Protection Bill 2001 into parliament on the same day.
extradite asylum seekers on board vessels in Australia’s territorial sea or contiguous zones (House of Representatives 2001). In so doing, Howard was forging in-roads into xenophobic populist party leader, Pauline Hanson’s, One Nation support base. One Nation sought to drastically reduce immigration whilst condemning multiculturalism as a “threat to the very basis of the Australian culture, identity and shared values” (Pauline Hanson’s One Nation 1998: 14). Howard’s securitized asylum policies were meant to heal the split in the conservative vote caused by One Nation, whose anti-immigration and anti-multiculturalism position threatened to undermine the National Party’s support base. The appeal of One Nation’s policies to Howard’s Liberal-National Coalition’s constituency put great pressure on the Coalition to appease a substantial minority of discontented voters dissatisfied with the major parties.

In September 2001, the Howard government introduced the ‘Pacific Solution’, a set of legislative changes that allowed for the detention of unauthorized migrants on the island nations of Papua New Guinea and Nauru. The Migration Act 1958 was revised to exclude Ashmore Reef, Cartier Island, Christmas Island, Cocos (Keeling) Islands, and other external territories from Australian territory, creating excised offshore places. Thereafter, asylum seekers arriving by boat who entered these territories were taken to detention and processing centres in Nauru or Papua New Guinea’s Manus Island. Under the Howard regime, the mandatory character of detention remained non-reviewable by courts, and a differential detention and processing regime remained in place for unlawful non-citizens claiming asylum who were intercepted in Australia’s excision zone. The punitive character of executive micro-management in regard to refugee status determination for unauthorized arrivals and the lack of oversight over the management of detention facilities were key tenets of Howard’s detention regime, as revealed by the detention of Cornelia Rau and the deportation of Vivian Solon. Cornelia Rau, an Australian permanent resident, was detained for six months at the Brisbane Women’s Correctional Centre, and for four months the Baxter Immigration Detention Centre under increasingly punitive conditions based on her suspected
status as an illegal immigrant (Francis 2005; Crock 2007). In the case of Vivian Alvarez Solon, an Australian citizen born in the Philippines, racial stereotyping combined with executive oversight underpinned her arrest, detention and wrongful removal from Australia (Crock 2007). The Rau and Solon cases have sparked widespread criticism over punitive detention policies that disrespect human rights and international law, as well as the removal powers found in the Migration Act 1958 (Francis 2005; Crock 2007).

**Sweden**

In Europe, policies of deterrence had begun in Norway and France in the 1990s, with xenophobic populist parties entering Coalition governments in Switzerland, Austria, the Netherlands and Italy (Norris 2005). This occurred at a time when European policy makers perceived increasing influxes of asylum seekers as a threat to security and stability (Collinson 1993). A broad presupposition was that the movement of irregular migrants was overloading the capacity of nation states to receive asylum seekers, and was responsible for the emergence of fear and xenophobia among the host populations. Against the backdrop of European governments taking restrictive legislative and administrative measures to curb the entry of asylum seekers, the European Union attempted to harmonize its procedural and substantive asylum policies through intensified multilateral negotiations. This involved the creation of a redistributive system for asylum applications through the Schengen and Dublin provisions of assigning a responsible state for asylum applications. The Schengen Convention of 1985 allowed for the abolition of systematic border controls between the participating countries, and included provisions on common policy regulating the temporary entry of people (including the Schengen Visa), the harmonisation of external border controls, and cross-border police and judicial cooperation. The Dublin Convention of 1990 confirmed the right of EU member states to return asylum seekers to ‘safe’ third countries. These harmonization efforts, however, played out in a region where governments were steadfastly increasing efforts to control unauthorized entry into the EU, resulting in policies that
conflicted illegal migration with asylum seeking to the detriment of asylum seekers and refugees.

While the EU was successful in implementing a redistributive system through the Schengen and Dublin provisions, it was less successful in creating parallel redistributive mechanisms to support countries that were experiencing disproportionate numbers of asylum claims (Uçarer 2006: 220). Rather, European policy convergence has resulted in limited harmonization and the extension of disproportionate burdens onto ‘safe’ third countries situated near the EU’s outer borders (Roberts 1998). Despite regional pressures to engage in restrictive burden-shifting – an emerging trend among EU nations at the time – Sweden retained an inclusive asylum policy. In the ten year period from 1992 to 2001, Sweden accepted the greatest refugee burden per capita of all EU member states (Thielemann 2004: 10).

In 2001, Sweden received 23,515 asylum seekers predominantly from Iraq, Bosnia and Herzegovina and the former Yugoslavia (Migrationsverket 2016b). By contrast, Australia’s highly securitized asylum policies of 2001 were instigated in response to the arrival of 19 boats of asylum seekers totaling 3,039 arrivals that year (Refugee Council of Australia 2016c). At that time, a competitive race to the bottom in protection standards had commenced between Australia’s two major parties, and among many EU member states concerned about being perceived as a soft touch on asylum policy. While such a race to the bottom led to the unravelling of basic international human rights norms and the adoption of deterrence measures that breach states’ obligations towards asylum seekers under international law, Sweden demonstrated the greatest willingness among EU member states to shoulder protection burdens. After 2001, the HNC of the Swedish political elite continued to endorse and enforce norms of international law and solidarity with asylum seekers. Sweden was among the top three EU member states receiving the highest number of asylum seekers per capita in 2001 (UNHCR 2003a). This trend continued steadily until 2009, following
which, Sweden’s asylum intake rose significantly, peaking during the refugee crisis of 2015 (Migrationsverket 2016a).

3.3 2010-2015

Australia

Between 2010 and 2015, the securitization of asylum was renewed as a strongly entrenched pillar of Australian asylum policy. While the Howard government successfully securitized the issue of asylum from 2001, the Rudd Labor government attempted to de-securitize asylum after defeating Howard in the 2007 federal election. Rudd de-legitimized Howard’s securitized asylum policies as inhumane and detrimental to Australia’s reputation on the international stage (McDonald 2011). While the 2007 Rudd Labor government tried to dismantle some of the harsher elements of John Howard’s policies, it was largely ineffective due to internal party fragmentation over leadership. Faced with mounting pressure by members of the hegemonic norm circle (HNC) (that included members of the Labor Party such as Julia Gillard) to re-securitize the issue of asylum, Rudd abandoned his humanitarian position. Draconian policies were reinstated after the Gillard Labor leadership spill of 2010, such that by the 2010 federal election, the issue had become re-securitized (McDonald 2011). The Australian government has remained unbowed in the face of international criticism by the UNHCR and the Australian Human Rights Commission. Sweden, on the other hand, consolidated itself as a beacon of solidarity and humanitarianism in the midst of growing xenophobia and the threat of right wing populism. The Swedish HNC’s advocacy of solidarity with asylum seekers, and its resistance to securitization have endured, even at the height of the 2015 refugee crisis.

Between 2010 and 2014, the Abbott-led Liberal-National Coalition intensified the political dynamics around the asylum issue. Later, the leadership of the Coalition government changed hands from Tony Abbott to Malcolm Turnbull in September 2015. At the end of March 2016, 67% of the 2,028 asylum seekers held offshore in detention centres in Nauru
and Papua New Guinea were found to be in need of refugee protection, but none of them would be resettled in Australia. While all refugees recognised on Nauru have been released from detention into community arrangements, on Manus Island only 59 recognised refugees had been released from detention as at 31 March 2016 (Australian Government 2016). In April 2016, Papua New Guinea’s Supreme Court ruled Australia’s detention of asylum seekers on Manus Island unconstitutional, and ordered the Papua New Guinean and Australian governments to end the detention of asylum seekers and close the detention facilities on Manus Island (Tlozek and Anderson 2016). The Australian government’s policies, however, remained unaltered in November 2016, with the detention facilities still operational. Of the nearly 900 people in the detention centre on Manus Island, approximately half have been found to be refugees (Tlozek 2016). Further, on 13 November 2016, Prime Minister Malcolm Turnbull announced that he had signed a one-off deal with the United States government to resettle refugees from Australia’s offshore processing centers on Manus Island and Nauru. In so doing, the Australian government enforced its commitment to unlawful deterrence, and endorsed the institutionalization of its disregard of the principle of non-refoulement, as refugees who are not resettled in third countries face being returned to their countries of origin.

Asylum management in Australia continues to uphold the structural goals of contemporary crime control, namely deterrence, punishment and segregation, encouraging a public perception that asylum seekers occupy the same societal role of essentialized threat as criminals. These mechanisms of asylum control engender popular hostility towards asylum seekers and legitimize their construction as a source of danger, insecurity and crime that threatens the survival of national identity and nationhood (i.e. an ‘existential threat’).

Sweden

By contrast, Sweden has retained a strong humanitarian focus in its asylum policy, despite its much larger intake of asylum seekers compared to Australia. Between 2010 and 2014,
Sweden was amongst the EU countries with the highest rate of first time registered asylum applicants compared to their population, averaging 24.4 applicants per 1,000 inhabitants per year (UNHCR 2015: 13). For the same period (2010-2014), the corresponding figure for Australia was 2.2, which fell to 0.3 applicants per 1,000 inhabitants in 2014 (UNHCR 2015: 20). According to the 2014 UNHCR Asylum Trends report, the 28 Member States of the European Union registered 570,800 new asylum claims in 2014. Sweden accounted for 13% (75,100) of all asylum claims in the EU, and 70% of all claims registered in the Nordic Region where it ranked as the top destination country. Sweden remained one of the main destinations of Syrian asylum seekers in 2015. High recognition rates at first instance – 56% including Dublin cases and 65% if Dublin cases are excluded – demonstrate the minor impact of restrictive regional policies such as the Dublin Regulation on Swedish asylum policy (Caritas Sverige 2015: 34). Furthermore, the Swedish Migration courts approve 5% of appeals, including those of Dublin cases. Until November 2015, at the peak of the refugee crisis, the recognition rate for Syrians at first instance was 90% including Dublin cases, and 100% excluding Dublin cases (Caritas Sverige 2015: 34). During this time, the Sweden Democrats, Sweden’s far right-wing anti-immigration party grew to become the third largest party in parliament in 2014. The party has argued for the securitization of asylum but has not been successful.

4. Political Systems

In this thesis, I analyse ethnic and civic nationalism in terms of political rhetoric rather than deeper cultural patterns. I argue that the relative prevalence of ethnic and civic forms of national identity in Australia and Sweden respectively makes it possible for hegemonic norms to prevail and acquire stability in norm circles of the political elite. Another key factor that enables hegemonic norms of inclusivity and exclusivity to acquire dominance amongst the political elite of a state is the nature of the country’s political system. The concentration of power in the parliamentary executive is a significant feature of Australia’s bicameral
system of government, unlike Sweden, where proportional representation ensures that a coalition government is necessary. In Australia, parliamentary majorities are won by targeting and appealing to voters in marginal seats. This is because Australia’s compulsory preferential voting system means a small number of marginal electorates can essentially determine the outcome of the Election (McAllister 2002). In the Australian parliament, power is concentrated in the hands of the majority. Swedish consensus democracy, in contrast, is characterized by sharing, dispersing, and limiting power instead of concentrating power. In Sweden’s multi-party system, parliamentary majorities are more difficult to win and this is likely to reduce the restless search for ways to get the last few voters on the party’s wagon. The need to build parliamentary alliances and coalitions forces policy compromises. Thus, major parties in Sweden have been forced, at times, to modify restrictive stances on asylum due to the need to gain parliamentary support of small parties.

4.1 Major Party Rule in Australia

In Australia, the House of Representatives, where governments are formed, is dominated by two major parties, namely, the Liberal Party of Australia and the Australian Labor Party (ALP). Other significant parties include the Nationals, which have formed a longstanding coalition with the Liberal Party, and the Australian Greens, which have been mainly a Senate party. Most of the policy responses and deterrent measures directed towards asylum seekers developed by successive Labor and Coalition governments since the early 1990s have met with bipartisan support. Such policies include the introduction of mandatory detention for all boat arrivals by the Keating (Labor) government in 1992 and offshore processing arrangements in the Pacific first introduced by the Howard (Coalition) Government in 2001.

When there is a strong executive based in the lower house that does not require compromise with another party to form a government, harsh asylum policies become easy to enact. A viable bicameral parliamentary system may potentially improve executive government accountability, with the Upper House appropriately structured to act as a countervailing
influence on executive government control, particularly in cases where major parties are intent on exclusionary asylum policies. However, while the Australian Senate has initiated a number of important ad hoc reviews through its committee structure into such areas as the administration and operation of the Migration Act and associated policy, such reviews by Parliament are not systematic. Rather, parliamentary review has been overly reliant on the glare of public attention in order for ad hoc reviews of Australia’s controversial asylum laws and policies to be initiated by the Senate. As Angus Francis (2008) observes, strong bipartisanship on exclusionary asylum policies in the lower house has resulted in the Australian parliament’s over-reliance on triggering events that achieve national notoriety, such as the unlawful detention of Cornelia Rau and the ‘children overboard’ incident in order to review controversial aspects of Australia’s immigration laws and policies. During the Tampa affair, and on the eve of the 2001 federal election, the Howard government wilfully misled the Australian public to believe the falsehood that children were thrown overboard by illegal immigrants on the Tampa (Commonwealth of Australia 2002a). Indeed, the ‘children overboard’ affair, was an instance where the glare of public attention was needed to spur a Senate-led ad hoc review of the more contentious facets of asylum and migration legislation.

Media scrutiny and public pressure prompted review of Australia’s immigration detention policies following the 10-month incarceration of Australian resident Cornelia Rau, and the review of accountability frameworks for Ministers and their staff including the adequacy of administrative practices in certain Commonwealth agencies (Palmer 2005; Commonwealth of Australia 2002a). Legislators are generally reliant on an amending Bill to initiate post-enactment review at the pre-legislative scrutiny stage, such as the introduction of the Migration Amendment (Designated Unauthorized Arrivals) Bill 2006. While the Senate Standing Committee on Legal and Constitutional Affairs (SSCLCA) does engage in the use of independent rights criteria to scrutinise Bills in the asylum and immigration portfolio, the application of human rights by the SSCLCA has not affected government processes surrounding asylum policy. Procedural qualities like efficiency and effectiveness continue to
dominate more substantive principles of human rights in offshore processing arrangements (Francis 2008).

The concentration of power in the lower house is a result of both bipartisanship and the strong party discipline of the Labor Party and the Liberal-National Coalition parties. The Labor Party is arguably the most disciplined of the political parties, with a rigid system of collective decision-making (known as ‘caucusing’) and threatened expulsion from the party should any MP breach party discipline (including ‘crossing the floor’ when voting in the parliament). The Liberal and National parties allow individual MPs to vote according to their conscience, but such MPs risk losing their party endorsement at subsequent elections. As a consequence, members of major parties are deterred from voting against the collective party position on bipartisan asylum policy in parliament. Former MP Melissa Parke of the Australian Labor Party often challenged Labor parliamentarians’ entrenched views on inhumane asylum policies, and criticised both major parties over their commitment to offshore processing and never resettling those in limbo on Manus Island and Nauru in Australia. Parke expressed her radical views on asylum, and urged political debate based on Australia’s obligations under international law until she retired from parliament in June 2016. Victorian MP Russell Broadbent of the Liberal Party is the only member of the group of Liberal MPs who forced John Howard to soften his hardline border protection policies in 2005 who is still in the Parliament. He continues to advocate a humane solution for asylum seekers and refugees on Nauru and Manus Island, at risk of disendorsement.

The most relevant difference between political contests in these two democracies is that Australia involves a predominantly two-sided competition, while in Sweden there are a larger number of competing parties. Australia is an essentially two-party system compared to Sweden, which is moderately multi-party (Lijphart 1999). Giovanni Sartori (1976: 187-8) famously classified the relationship between the Liberal and National Parties in Australia as a “coalescence” rather than a Coalition between two independent parties, given the high degree of cooperation between them. Whenever the Liberal Party has formed government in
the period since World War II, it has done so with support from the National Party and without requiring any other support.

Governments in Australia must retain the support of parliament in order to stay in office. In the British-derived Australian system, ministers must be members of parliament and continually answerable to parliament. The consequence of ministers being part of parliament is that, in an age of tight party discipline, if the government has a secure majority, “parliament simply rubber-stamps what executive government wants” (Tiffen and Gittins 2004: 25). The bipartisanship of Coalition parties and the Australian Labor Party on asylum policy, produced through an executive-dominated political system, has made it very difficult for hegemonic and exclusionary norms that mobilize out-group stigma, to be challenged or transformed in a humanitarian direction. In Australia, it is common for an election to result in a government with a parliamentary majority formed by a single party, the Labor Party, or by the Liberal-National Coalition. In the case in Sweden, governments are formed usually without a single party parliamentary majority.

That coalitions may be reconfigured or dissolved is a commonplace of Western European politics, but the strong expectation among the Australian political class and the electorate of a continuous Coalition means that any divorces have major political ramifications. In Australia, the ideological closeness of Coalition parties has been imperative for political survival; such closeness reduces the potential for policy divergence and maintains a strong system of cabinet government. The personal and institutional enmeshment of Coalition parties enables an Australian Coalition Prime Minister to call for the securitization of asylum, without the threat of destabilizing internal party opposition. This ideological gridlock that prevents securitizing actors from being stigmatized by in-group members for engaging in breaches of international law is compounded by rising Prime Ministerial power, which has occurred incrementally in Australia over the past three decades, regardless of whether the Coalition or Labor has been in office. Ministers, other than the Prime Minister, are unable to act as “policy dictators in their own jurisdictions” because of a Westminster-
like cabinet discipline, and the existence of an Expenditure Review Committee which can rein in wandering ministers by proposing funding cuts to any pet projects (Laver and Shepsie 1990: 888). Party discipline is tight in the Liberal and National parties (though not quite as tight as in the Australian Labor Party) and organizational ownership of candidate endorsement is a powerful agent of control. Walter and Strangio (2007: 18) have highlighted the unity and discipline of John Howard’s cabinet, and how he hedged his colleagues (whether Liberal or National) into decisions, thus, “achieving a dominance that has deterred dissidents and leakers.”

4.2 Coalition Rule in Sweden

Institutionally, the relationship between executive government and the parliament in Sweden is not too different from the Australian, British-style Westminster system, but their traditions are very different. The Swedish parliamentary system functions much more through negotiation and deliberation in committees. Most legislation, including legislation on refugees and asylum seekers, emerges in this way and then has a very high probability that parliament will approve it. The key difference regarding asylum policy in the Australian and Swedish parliaments lies in the fact that, while successive Swedish governments have converged on a normative consensus, enforcing and endorsing the *jus cogens* norms of international law in their generous asylum policies, successive Australian governments have proceeded in the opposite direction, endorsing and enforcing exclusionary policies in violation of the *jus cogens* norms of international law.

The Riksdag, the unicameral or single-chamber body that governs Sweden, currently comprises nine political parties – the Social Democratic Party, the Moderate Party, the Sweden Democrats, the Green Party (the Swedish Greens), the Centre Party, the Left Party, the Liberals, the Christian Democrats and the Feminist Initiative. The two largest parties, the Moderate Party and the Social Democrats, have not been strong enough to form a single Party majority in Parliament since the 2006 general election, when Fredrik Reinfeldt from
the Moderate Party formed a majority government together with the Centre Party, Liberal People’s Party and the Christian Democrats. When in government, they have relied on the support of other parties to get proposals accepted. The Moderates generally rely on right-wing support from smaller political parties, including the Liberals and the Centre Party and more recently from the Christian Democratic Party, together forming the Centre-Right alliance, whereas the Social Democrats look for support from the Left Party and the Swedish Greens to comprise the Red-Green bloc.

Within the unicameral body of the Riksdag, principles of equality, egalitarianism and solidarity towards both citizens and non-citizen groups of asylum seekers have underpinned the development of Swedish asylum policy. Such principles are longstanding in modern Sweden’s national political culture, originating from the nation’s history of social democracy. At times, however, the restrictive preferences of the Social Democratic Party have been felt. These can be ascribed in part to the party’s ideology that is characterized by a strong link between notions of international solidarity and national solidarity between different classes of Swedes, united by the singular idea of Folkhem or ‘the People’s Home’ (Abiri 2000; Lagergren 1998; Spehar 2012). In the case of the Moderates, this division has straddled the desire for open borders for labour immigrants and patriotism (Ljungren 1992; Spehar 2012). While such conflict is common for major parties facing crosscutting cleavages that affect their core constituencies (for instance, trade unions who favour restrictive policies and liberals and minority groups who favour expansionist policies), Sweden’s major parties have generally proposed generous asylum policies (Perlmutter 1996: 377; Spehar 2012). This is due to the championing of principles of international solidarity, egalitarianism and equality by smaller parties of the Riksdag, with whom major parties have had to form governing alliances. As a result, neither the Moderate Party nor the Social Democrats have been able to pursue anything close to Australia’s draconian asylum policies, even though Swedish asylum policy has undergone restrictive phases since the early 1990s, and despite the significantly larger influx of asylum seekers to Sweden.
Two systemic factors that have played a role in the shaping of Swedish asylum policy are firstly, the fact that parties have to seek consensus, and secondly, that social democracy is no longer a partisan ideology but a set of shared, hegemonic norms that have become an integral part of national political culture. Parties from both the centre-right Alliance and the Red-Green bloc including the Moderate Party, the Centre Party, the Liberals, the Left Party, the Greens and the Christian Democrats converge ideologically on norms of egalitarianism, universalism, solidarity and inclusivity established by the Social Democrats. These norms acquired hegemonic status in the Swedish political landscape through Sweden’s long history of social democratic governance between 1932 and 1976 (except for a brief period of 109 days in 1936 when Sweden had an interim government) and have laid the foundation for consensus on asylum policymaking. A shared consensus on social democratic norms is a fundamental difference in the parliamentary systems of Sweden and Australia, where no such consensus exists between major parties.

Apart from a consensus on social democratic norms, Sweden’s multi-party system makes it possible for small parties to persuade the Social Democrats or the Moderates to preserve generous asylum policies, when either of these parties has been inclined toward restrictive agendas. The multi-party system encourages major parties from the Red-Green bloc and from the Centre-Right alliance to close ranks with the other parties of the political bloc in order to gain a majority in an election. Non-socialist parties have, for instance, formed four-party Coalition governments since 1991 that included the Moderates, Liberals, the Centre Party and the Christian Democrats, while the Social Democrats have been forced to form a parliamentary alliance with the Left Party and the Green Party when in government since 1998. Although the Moderates and the Social Democrats have often advocated more restrictive asylum policies, consensus in a more liberal direction has emerged as a result of small party influence within the party bloc or alliance (Spehar 2012). The Moderates and the Social Democratic Party’s reliance on small parties to form political Coalitions in government (such as the centre-right Alliance of 2006-2014 or the left-of-centre minority
Coalition of 2014-present) has compelled these major parties to seek consensus with the smaller parties on norms of international law, human rights and humanitarianism. The egalitarian and humanitarian political convictions of small parties including the Christian Democrats, the Left Party, the Greens, the Centre Party and the Liberals led to the Swedish government’s intake of record numbers of refugees from Bosnia in 1993-1994 (about 60,000) and from Iraq in 2006-2007 (about 40,000), when major parties in government advocated more restrictive asylum policies (Spehar 2012).

5. Hegemonic Norms

Another reason for comparing Australia with Sweden and not, for instance, with Denmark, is that the outcomes have been different in terms of which norms are dominant in parliamentary bodies of government decision-making. Populism is present in all three countries, which is another basis for comparison, but has been least dominant in Sweden. One purpose of comparing Australia and Sweden is to explain why the populist response to asylum seekers is more constrained in Sweden, even in conditions of crisis and mass influx of asylum seekers. In this section, I explore the normative context affecting the construction of national identity in both countries. Ethnic conceptualizations of national identity in Australia are used to mobilize exclusionary norms that are hostile to norms of international law. The HNC of the Australian political elite has successfully utilized ethnic strands of national identity to draw a friend-enemy distinction between citizens and asylum seekers, thereby preserving the dominance of exclusionary norms. In Sweden, however, civic conceptualizations of national identity characterized by social democratic norms of egalitarianism, solidarity and inclusivity dominate asylum policy agendas.
5.1 Hegemonic Norms in Australia

In Australia, dominant norms that operate in the asylum debate are exclusionary. They are constituted by the dehumanization and demonization of asylum seekers, perceptions of them as existential threats to society, the punitive treatment of asylum seekers arriving by boat, mandatory detention, deterrence and Islamophobia (McAdam and Purcell 2008; Dunn, Klocker and Salabay 2007; Babacan 2007; Crock 2010; Crock and Bones 2015; Foster and Pobjoy 2011; McKay, Thomas and Kneebone 2011; Newman 2013; Cornwall 2014). Between 1996 and 2007, under Liberal-National Coalition Prime Minister John Howard’s leadership, exclusionary anti-asylum norms were dominant in political discourse. Howard’s famous words during the 2001 election campaign, which that became the catch-cry of his conservative government were, “we will decide who comes to this country and the circumstances in which they come” (Howard 2001). As James Jupp (2003: 173) contends, Howard’s draconian approach to asylum policy was “politically motivated” and drew on “long-held Australian fears, beliefs and practices”. The Howard government’s enforcement of indefinite, mandatory detention in prison-like facilities, the limitation of the right to permanent residence, and policies that expedited the repatriation of asylum seekers in violation of the principle of non-refoulment have led to the intentional victimization of asylum seekers arriving by boat (Jupp 2003). Since 2013, the rhetoric of preventing deaths at sea has been used to justify offshore processing, boat tow-backs and the use of Temporary Protection Visas.

In the Australian context, asylum seekers’ rights as members of a legal category in international law are obscured and nullified by symbolic and legal constructions of membership appropriate to another legal category: the criminal. In political rhetoric, use of the ‘illegal’ as a discursive category is a meaningful political act, with important repercussions for how asylum seekers are perceived and acted upon. Such rhetoric is used to justify an increasingly punitive set of practices that work to reduce asylum seekers to a societal threat defined by criminality. Thus, despite the ‘illegal’ asylum seeker being a
construct of state practice vis-à-vis the policing of its borders, such language encourages the vilification of asylum seekers (Nevins 2002: 121-22). In Australia, the politicized aspect of defining ‘otherness’ and the act of associating illegality with asylum seekers is intimately linked to the ethnic or racialized dimension. Since 2001, and in the wake of 9/11, Australian asylum policy has been affected by a subtle form of racism based on cultural differences, and the incompatibility of values and traditions between particular groups of asylum seekers (from the Middle East and Africa, in particular) and Australian society (Manning 2003; Every and Augoustinos 2007; Crock, Saul and Dastyari 2006). Racialized constructions of boat people from countries with majority Muslim populations have increasingly been used to legitimize the securitization of asylum since 2001 – in this sense, the enemy ‘Other’ has been increasingly conflated with the ‘Muslim Other’ (Poynting 2002; Poynting and Mason 2006; Humphrey 2005; Humphrey 2014). The Australian government’s politicization of the asylum seeker as the enemy through the construction of the individual as a national security threat conforms to Carl Schmitt’s politicization of friend and enemy, whereby the perceived difference between the societal in-group (‘us’) and the out-group (‘them’) acquires political significance through the interplay of hegemonic norms of xenophobia and exclusion.

The White Australia policy (which lasted from 1901 to 1973) was designed to restrict ‘non-white’ immigration to Australia. Being Australian equalled being white. A study by Sibley and Barlow (2009) revealed that Australians innately associated White-ness with national identity, in contrast to a factually more accurate association of Australian and Aboriginal or Indigenous identity. Interestingly, they compared these associations of white-identity in Australia with New Zealand in 2009, where the opposite effect was elicited. This indicated a stronger cultural representation of Māori peoples within New Zealand society and that national identity was not intrinsically and exclusively tied to a white ancestry. Meanwhile, a narrow, white conceptualization of national identity retained support in Australia in 2009. Arguably, Australia’s reluctance to accommodate particular groups of asylum seekers from non-European cultures underscores a fundamentally weak link between citizens and the alien
‘Other’ – an unease which can be traced to the relationship of white European settlers with Aboriginal peoples (Mellor 2012; Leask and Philpot 2012). This deep-seated association of white European heritage with national identity can be attributed to the fact that Australia is still a relatively young immigrant nation.

Compared to other nation-states which are defined by long genetic lineages and cultural heritages, such as England, Spain or China, Australians – even fourth and fifth generation Australians – can trace their ethnic roots to Europe or elsewhere with ease (Bastian 2012). Bastian (2012) argues that racialized national identity is strongly evident in Australia, whereby particular ethnic groups are championed as ideal representations of Australian identity, with the effect of excluding particular values, beliefs or practices of ‘Other’ ethnic groups. The Cronulla Riots of 2005 were one manifestation of the deep-seated societal belief that to be Australian is to be white. On 11 December 2005 about 5,000 young Australians converged on Sydney’s Cronulla beach draped in Australian flags, singing Australia’s national anthem and displaying obscene slogans about the Prophet Muhammad. These youths attacked people of Middle Eastern appearance, prompting a group of Lebanese-Australians to launch a reprisal attack on 12 December 2015 (Overington and Warne-Smith 2005: 20; Poynting 2006: 90). The Australian media manipulated the events of 11-12 December 2005 to pit white Australians against the Muslim ‘Other’, in this case, the Lebanese-Australians (Kabir 2007). In so doing, they drew on the hegemonic norms of xenophobia and exclusion present in mainstream Australian society and the parliamentary elite.

The current management of asylum seekers is part of this history of race-based exclusion, seen as a way of securing ethnic national identity in Australia. Deeply entrenched exclusionary norms towards the ethnic ‘Other’ facilitate the normalization of values and attitudes that dehumanize and demonize asylum seekers. Consequently, their punitive treatment under asylum legislation and policy is legitimized.
Both Swedish and the Australian nationalisms combine ethnic and civic elements. Australian nationalism combines ‘British’ ethnic symbols, myths and memories with “civic/territorial components centring on the distinctive entitlements and obligations of the Australian citizen and commitment to an Australian homeland”, but the ethnic principle is predominant (McGregor 2006: 503). In the late 19th century, the dominant strain of ethnic nationalism in Australia resided in the construction of the ‘Australian type’ as Anglo-Saxon, in part a reflection of the makeup of the population at the time, and in cultural suppression of the identities of Aboriginal and Torres Strait Islanders (Cousins 2005). However, as Frank Jones (2000: 184) argues, national unity in an immigrant nation and multicultural society like Australia cannot be achieved through the endorsement of ethnic forms of national identity. For this reason, multicultural policies of the Whitlam, Fraser and Keating governments appropriately promoted unity in a diverse society. Multiculturalism appealed to proponents of an inclusive society, and constituencies that shared a commitment to civic culture, the promotion of mutual tolerance and the amelioration of social and economic disadvantage within the demos (Jones 2000: 184).

Civic conceptualizations of national identity were manifest in official statements on multiculturalism in Australia, from the 1970s onward, which construed multiculturalism as part of a nation-building exercise (Australian Ethnic Affairs Council 1977; Office of Multicultural Affairs 1989; National Multicultural Advisory Council 1999). Egalitarianism and multiculturalism were endorsed as a counter-hegemonic, civic conceptualization of national identity in 1973 under the Whitlam Labor government. At a ceremony proclaiming the Racial Discrimination Act in October 1975, then Prime Minister Gough Whitlam referred to Australia as a “multicultural nation”, describing the legislation as “a historic measure”, which aimed to “entrench new attitudes of tolerance and understanding in the hearts and minds of the people” (Whitlam 1975). Then Opposition Leader, Malcolm Fraser, offered bipartisan support for Whitlam’s multicultural policies. In 1978, as Prime Minister, Malcolm
Fraser introduced the first official national multicultural policies in accordance with recommendations of the *Galbally Report*, which promoted inclusive public policies for immigrants (Australian Government 2014a). The advancement of civic nationalism marked an attempt to shift away from the hegemonic conceptualization of ethnic nationalism, and aimed at creating a new Australia and a new Australian identity (Johnson 2002: 175). Multiculturalism continued under the Keating Labor government in the early to mid-1990s.

For Australians of Anglo-Saxon heritage, the Keating Labor government’s policy of multiculturalism meant embracing ethnic diversity, and giving up privileged positions of power in an integrationist society (Johnson 2002: 175). This provoked a conservative backlash whereby the hegemonic group in society was construed as victims, while the underprivileged ‘Other’ was constructed as the oppressor (Johnson 2001: 5). The Keating government’s attempt to counter the hegemonic, conservative position on Anglo-Saxon ethnic dominance (as opposed to ethnic diversity) as the backbone of a re-shaped Australian national identity was sharply criticized by Liberal (conservative) opposition leader, John Howard. Bipartisanship on multicultural policies ended in 1988 when Howard called for the abandonment of the term ‘multiculturalism’, and a focus on ‘One Australia’ that,

> respects our cultural diversity and acknowledges that we are drawn from many parts of the world but requires of all of us a loyalty to Australia at all times and to her institutions and her values and her traditions which transcends loyalty to any other set of values anywhere in the world (quoted by Jupp 2002: 106).

Howard’s rhetoric signalled a shift from the inclusive and integrationist multicultural policies of the Whitlam, Fraser and Keating governments towards exclusionary, assimilationist policies that represented the immigrant ‘Other’ as transgressors of conservative, Anglo-Saxon Australian values. Howard (1995a, 1995b) contended that multiculturalism unfairly benefited ethnic interest groups to the detriment of white ‘mainstream’ Australians. In fact, and while emphasizing his opposition to racism, Howard conceded to the populist, racist politician, Pauline Hanson’s calls to mobilize sections of a
largely common electoral base, the Anglo-Saxon conservatives (Jones 2000; Johnson 2002: 178). To prevent the loss of marginal seats to conservative constituencies that valued the anti-immigration policies promoted by One Nation, the Howard government abandoned multiculturalism. For Howard and Hanson, promoting the equality of immigrants and Australian Aboriginal people required the endorsement of an inclusive, civic conceptualization of national identity that would subvert the Anglo-Saxon privileged position and render white Australians “the most disadvantaged group in Australian society” (Leser 1996: 27).

The return of the conservative John Howard as Prime Minister in 1996 marked the reinvigoration of ethnic nationalism (Jayasuriya 2006; Pitty and Leach 2004). David Brown (1998) defines ethnic nationalism as an ideology subscribed to by political elites seeking to attain legitimacy in parliament, and within the demos. Under Howard, key agencies such as the Office of Multicultural Affairs, and the Bureau of Immigration, Population and Multicultural Research were abolished (Koleth 2010). The Howard government also restricted access to unemployment benefits and the Adult Migrant English Program to new migrants, and reduced funding and consultation of ethnic organizations (Tavan 2007: 7). This conservative backlash was felt in asylum policy in the late 1990s and early 2000s, when the securitization of asylum was established through the construction of the asylum seeker as the ethnic ‘Other’ who was deemed a threat to national security. Fraser became one of Howard’s first public critics, condemning Howard’s securitized asylum policy as racially discriminatory and abhorrent in its disrespect for human rights and international law (Fraser 2001; Stephen 2001). Yet, Howard’s exclusionary asylum policy contrasted with record high levels of immigration under his government (Jupp 2009). High volume immigration thus attested to Howard’s successful persuasion of many non-Anglo Australian citizens to perceive asylum seekers as a threat.

In 1999, a report released by the National Multicultural Advisory Council of Australia (NCMA) supported the Howard government’s endorsement of ethnic nationalism.
Australia’s Anglo-Saxon heritage was privileged over other bloodlines equally contributing to Australian society. The report, entitled *Australian Multiculturalism for a New Century: Towards Inclusiveness*, emphasized the importance of Australian values established by British and Irish forefathers who were deemed to have,

laid the foundation on which our society has been built, and [established] our special social values of mateship and *a fair go*, which contribute so much to community harmony (NMCA 1999: 7).

Howard’s emphasis on Australian values and assimilationist policies intensified in the wake of 9/11, when a hegemonic ethnic national identity was regarded as necessary to defend Australia against the pernicious threat of Islamic extremists. In his analysis of the Howard government’s anti-terrorism campaign, Matt McDonald (2005) illustrated how the Australian government, in the realist tradition of international relations theory, capitalized on a fear of ‘Others’ outside the nation as a means of garnering support for its security practices. For the Copenhagen School, societal insecurity is not inherently a security problem, but one that emerges from political processes that construct the issue – in this case, asylum seekers – as a threat to the survival of the culture belonging to a community of birth and presumed descent. By associating terrorism with asylum seekers, the Howard government was successful in augmenting fear within the Australian citizenry. The intensification of the perceived threat that asylum seekers presented to national security yielded an absolute divide between ‘us’ and ‘them’, or ‘friend’ and ‘enemy’.

Removing the term multiculturalism from the *Department of Immigration and Multicultural Affairs* in 2007 to become the *Department of Immigration and Citizenship*, and introducing the citizenship test for all migrants seeking the status of an Australian citizen, Howard enforced an assimilationist immigration policy. He contended,

I think the desired progression is that an immigrant becomes an Australian, simple as that. I think the title of the new department expresses the desire and the aspiration and that is that… immigrants become Australians (Howard 2007).
Howard’s constructions of identity and belonging, however, contained exclusionary ethnic and xenophobic underpinnings. Although multiculturalism gave rise to societal diversity, Howard’s conceptualization of national identity remained firmly attached to a dominant cultural strain that appealed to voters with racist leanings (MacCallum 2002; Poynting and Noble 2003; Marr and Wilkinson 2003; Goot and Sowerbutts 2004). On 5 March 2008, Howard delivered the Irving Kristol lecture in Washington DC where he accentuated the criticality of standing firm on, and being assertive of, national values in the fight for survival:

The particular challenge posed by extremist Islam means therefore that more than ever before continued cultural self-belief is critical to national strength… In the protracted struggle against Islamic extremism there will be no stronger weapon than the maintenance by western liberal democracies of a steadfast belief in the continuing worth of our national value systems (Howard 2008).

For Howard, the preservation of national value systems was reliant upon the capacity of dominant political actors to not only manipulate Australian myths or symbols that resonate in contemporary society, but to appease the prejudices of xenophobic, conservative voters. Since the start of the 21st century, forms of ethnic nationalism that have dominated the asylum debate have been extended to encompass Anglo-Saxon constructions of the ‘Australian way of life’, and the cultural subordination of the Muslim ‘Other’ (Pedersen et al. 2000; Dunn et al. 2004; Pedersen et al. 2005; Forrest and Dunn 2006). Australia’s exclusionary hegemonic norm circle, established and fortified during the Howard era, created a space in which the pictures of an embattled ‘us’ protecting ‘our’ values against a menacing ‘them’, driven by the frightening values of a strange heritage and religion, could flourish and remain critically unchallenged.

5.2 Dominant Norms in Sweden

To understand refugee and asylum policy in Sweden, it is essential to understand the normative pillars of Swedish social democracy. Founded in 1889, the Swedish Social
Democratic Party went into government for the first time in 1917, forming a Coalition with the Liberal Party in order to realize the democratization of Sweden. In 1932, the Social Democratic Party won the general election with a landslide victory. Since then, Sweden had been led by Social Democrat governments in 65 of 81 years prior to the 2014 election (Socialdemokraterna 2014). The party’s words of honour as recorded in its 2001 election manifesto are “freedom, equality, and solidarity” (Socialdemokraterna 2001). Furniss and Tilton (1977) highlight six fundamental norms of Swedish social democracy: equality, freedom, solidarity, security and efficiency. Of these, norms of equality and solidarity have attained hegemonic status in the ranks of Swedish asylum policy. As Kesselman et al. (1987) explain,

> To a remarkable extent, the Swedish Social Democrats have been able to define the problems on the political agenda and the terms in which these problems have been discussed by all major parties. It is in this sense that social democracy might be described as the hegemonic force in post-war Swedish politics. (Kesselman et al. 1987: 529)

Indeed, regardless of which political bloc holds power in the Swedish Riksdag, norms of social democracy, including equality, international solidarity and human rights, have remained a prominent feature of the governing Coalition’s commitment to the welfare of all citizens and non-citizens in need of humanitarian assistance (Gannon and Pillai 2016).

Protecting the human rights of non-citizens including refugees and asylum seekers, has remained consistent in spite of domestic and regional pressures to securitize the issue. When the openly xenophobic Sweden Democrats entered the Riksdag in 2010 with 5.7% of the votes at the general election, centre-right parties (typically, the non-socialist parties) might have been expected to react to the new party system and voter threat by advocating more restrictive, anti-asylum policies. Strict asylum policies as a feature of centre-right parties have been described as the norm in Western Europe (Neumayer 2005), as well as for Sweden’s Nordic neighbours (Green-Pedersen and Odmalm 2008; Gudbrandsen 2010). Yet,
pressure in Sweden for these parties to adopt harsher policies was resisted in 1991-1994 with the election of the anti-immigration party, New Democracy, and once again in 2010 with the election of the Sweden Democrats to the Riksdag. Opposed to hostile and exclusionary anti-asylum policies, Swedish non-socialist parties have proceeded in a liberal direction, formulating more open policies and implementing these measures when in government. For this, Sweden has been depicted as both a European and a Nordic anomaly (Dahlström and Esaiasson 2013).

Several of these relatively open asylum policies were formulated by liberal parties amid fierce opposition from the Social Democrats. In 1993, the Centre-Right Coalition government granted 60,000 Bosnian refugees permanent residency when the Social Democrats had instead proposed temporary residence permits amid efforts to keep the refugees closer to their homeland, a policy introduced in 1989. While this less restrictive policy was heavily criticised by the xenophobic New Democracy, the non-socialist parties did not converge towards their restrictive asylum policies. The Centre-Right parties’ commitment to upholding norms of equality, egalitarianism and solidarity with refugees and asylum seekers – norms established throughout the course of Sweden’s long history of social democracy – shows the strength of these norms in Swedish national political culture. Even when the Social Democrats returned to power in 1994, and introduced a more restrictive asylum policy involving stricter criteria for family reunification, the Center-Right parties including the Christian Democrats, the Greens, the Liberals and Left parties favoured more generous immigration policies (Widfeldt 2015: 402).

**Ethnic vs. Civic National Identity in Sweden**

Swedish nationalism utilizes a blended idiom of nationhood, namely, *Folkhem* or ‘the People’s Home’, which is predicated on a dual conception of *folk-as-demos* and *folk-as-ethnos*, and utilizes both civic and ethnic strains of nationalism (Trädgårdh 1990). In 1928, the Swedish Social Democratic Party initially conceptualized *Folkhem* in an effort to expand
the party’s electorate beyond the narrowly defined working classes that had initially formed their primary electoral base to include middle-class constituencies. Over the next century, the idea of the *Folkhem* would become the main organizing principle of the Swedish welfare state. The Social Democratic Party’s desire to be the party of democracy and to build the great ‘People’s Home’ meant that a definition of nationhood based on the inclusiveness of an ethnic nation, and the state-guaranteed egalitarianism of a civic nation was an excellent fit with the party’s needs (Schall 2012). The ethnic strain of Swedish nationalism inherent in *Folkhem* was deemed more inclusive than class, in terms of its capacity to unite the largely homogenous Swedish electorate. The ethnic and civic blend of national identity enabled the Social Democrats to effectively mobilize an expanded electorate across class lines, and consolidate power between 1928 and 1932 (Stråth 1994, 2004).

In Anthony Smith’s (1991) civic model, national unity arises from a historic territory, laws and institutions, and the legal-political equality of members that expresses itself in a set of rights and duties, and a common civic culture and ideology. Michael Ignatieff (1994) characterizes the civic nation as a “community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values” (Ignatieff 1994: 6-7). Civic nationalism disavows the state from privileging or endorsing one national culture over others. As civic nationalists, established parties in the Swedish parliament primarily base membership of the *demos* on residency, and because of this, they endorse the inclusion of other ethnic groups living within the territorial boundaries of the Swedish state. In Sweden, the Ministry of Integration and Gender Equality oversees issues related to integration and anti-discrimination based on ethnicity. The goal of the Ministry has been,

> to ensure equal rights, obligations and opportunities for all, irrespective of their ethnic and cultural background (Regeringskansliet 2009).

In 2008, the Anti-Discrimination Act was passed. The Act provided additional legislation to combat discrimination on the basis of ethnic origin, religion or belief. Although the Act does
not explicitly provide affirmative action for marginalized ethnic groups, it does protect
against “indirect discrimination” of people of a certain ethnicity or religion. Such
discrimination involves “the application of a provision, a criterion or a procedure that
appears neutral” but, which, in fact, places such individuals at a disadvantage (Government
of Sweden 2008: 567).

The dominance of civic national identity was evident in 2009, when a cooperation project
was initiated between the Swedish Migration Board, the National Police Board and the
Prison and Probation Transport Service (TPT) to streamline returnee activities in order to
increase the number of returns of individuals who have been issued a return decision that had
entered into force. The project, entitled REVA, engaged in internal border controls using
controversial discriminating methods to deport ‘illegal’ irregular migrants. REVA introduced
identification (ID) checks for commuters on public transit systems in Stockholm and Malmo.
However, the ID checks were roundly criticized by established parties of the Riksdag, and
were subsequently abandoned because of ‘racial profiling’, since the majority of those
stopped were non-ethnic Swedes and nine out of ten turned out to be Swedish citizens.

The alarming rise of the fascist, intolerant, nationalistic party – the Sweden Democrats – in
the 2010 election can be seen not only as the effect of tensions between different definitions
of national identity, but also as a reaction to the exclusion of xenophobic agendas by major
political parties seeking to preserve norms of equality and solidarity in Swedish society. In
this sense, the rise of the Sweden Democrats is symptomatic of a socio-political consensus
against exclusionary norms based on xenophobia. Excluded by mainstream parties of the
Riksdag, xenophobic grassroots movements and political parties are prompted to seek self-
representation (Caldwell 2010; Tibi 2003, 2008). Hegemonic civic conceptualizations of
Swedish national identity, however, have prevented the exclusionary ideology of
xenophobic, far-right wing parties from pervading inclusive asylum policymaking agendas.

Established parties of the Riksdag who advocate a humanitarian approach to asylum policy
endorse a hegemonic civic national identity, anchored in norms of solidarity, distributive justice and equality. This has led to the rejection of political decisions that invoke friend-enemy identities in relation to asylum seekers, thereby generating their effective mobilization as an existential threat to Swedish society and state. The Swedish HNC’s endorsement of norms of international law, including norms of solidarity and human rights, stands in marked contrast to the HNC of Australia’s political elite, where asylum seekers are represented as a threat to Australia’s dominant conceptualizations of national identity.

6. Conclusion

In this chapter, I have outlined key points of comparison between Australia and Sweden. Although both countries faced similar pressures towards more restrictive asylum policies in the early 1990s, 1999-2002, and 2010-2015, each emerged with very different asylum policy agendas. As the contrast between Australia and Sweden became entrenched after 2010, that forms the period for my subsequent empirical analysis. Differences in the political systems and in the hegemonic norms in national political culture in Australia and Sweden are linked to dominant ethnic and civic conceptualizations of national identity. The key political difference between Sweden and Australia that explains the occurrence of securitization in Australia but not in Sweden is the more extensive use of proportional representation in the Swedish parliamentary system. This gives politics a different logic. Whereas power is concentrated in the hands of the majority in Australia, Swedish parliamentary majorities are more difficult to secure. This inclines major parties in Sweden to build parliamentary alliances and allows for the dispersion, rather than the concentration, of power. While major parties in Sweden have had to modify restrictive policies on asylum to gain parliamentary support of smaller parties, major parties in Australia have had to compete for conservative votes in marginal seats, advocating the securitization of asylum in order to win federal elections.
In Australia’s two-party, majoritarian electoral system, stigma is used by both major parties to de-legitimize the opposing party in an attempt to appeal to voters in key marginal seats. Emphasis on forms of ethnic nationalism over civic nationalism is a consequence of the need to appeal to voter preferences in marginal seats. By contrast, in Sweden’s multi-party, consensus-based electoral system, in-group stigma is used (in consensus by all mainstream parties) to preserve hegemonic norms, and to de-legitimize political actors who challenge these norms. In Sweden, the preservation of norms of international law in asylum policy is reinforced by civic conceptualizations of national identity.
Chapter 3

Multilateral and Bilateral Frameworks for Asylum Policy in Australia and Sweden

1. Introduction

This chapter outlines the different regional frameworks in the European Union and in Southeast Asia that regulate international cooperation on refugee and asylum issues. I examine how these regional frameworks have influenced the development of asylum policy in Australia and Sweden respectively. I argue that while the presence of the European Court of Human Rights (ECtHR) and other treaty-monitoring bodies regulates the protection of asylum seekers in that region, in Southeast Asia the lack of a regional court of human rights to enforce states’ compliance with the *jus cogens* norms of *non-refoulement* and the prohibition of torture under international law elicits dire consequences for asylum seekers. The Australian government has taken advantage of its dominant positional power in Southeast Asia to promote and advance its national policies of deterrence and the securitization of asylum regionally. Australia’s bilateral arrangements with states in the region are largely burden-shifting in nature, rather than burden-sharing. In the European Union, multilateral arrangements on asylum policy have proved useful in establishing minimum standards for the protection of asylum seekers in the region. However, member states’ adoption of exclusionary national asylum policies is widespread as governments craft asylum policy based on their different resources, national security concerns, and histories.
with forced migration movements. The chapter is structured as follows: in the next section, I
define key concepts underlying the operation of bilateral and multilateral regional
frameworks on asylum issues. I then outline the relationship between Australia and the
Southeast Asian region, discussing the relevance of burden-shifting rather than burden-
sharing arrangements. In the fourth section, I examine Sweden’s relationship with the
European Union and the burden-sharing arrangements that it advocates. In the fifth section, I
discuss the role of the European Court of Human Rights and other treaty-monitoring bodies
that potentially exert an influence on Swedish asylum policy.

2. Burden-Sharing and Burden-Shifting

Several European Union texts have referred to the need for international solidarity and
burden-sharing, such as the 1995 European Council Resolution on Burden-Sharing with
Regard to the Admission and Residence of Displaced Persons (UNHCR 2001a). In the
Southeast Asian region, the principle of international solidarity and burden-sharing is
outlined in the 1987 Addendum to the 1966 Bangkok Principles Concerning the Treatment
of Refugees advanced by the Asian-African Legal Consultative Committee (AALCO). The
AALCO stipulates that burden-sharing “should be seen as applying to all aspects of the
refugee situation, including the development and strengthening of standards of treatment of
refugees, support to States in protecting and assisting refugees, the provision of durable
solutions and the support of international bodies with responsibilities for the protection and
assistance of refugees” (AALCO 1987).

Burden-sharing has three components: national, regional and international (UNHCR 2001a).
The two latter components should support and complement a state’s national responsibilities.
The UNHCR stresses that, even in situations where regional or international actors
participate in burden-sharing activities, there ought to be full recognition of the heavy burden
that is placed on host States, particularly during the initial emergency phase of large-scale
influxes of asylum seekers and returnees, or where refugee situations are prolonged. International burden-sharing pertains to how the costs of common initiatives or the provision of international public goods should be shared between states through cooperation agreements. The UNHCR’s framework for burden and responsibility sharing is constructed on the basis of diplomatic and political intervention regarding the country of origin; the provision of financial assistance, including emergency financial assistance, funds for self-reliance and development in the country of asylum, funds for durable solutions, in-kind assistance, poverty reduction and debt relief measures; as well as humanitarian transfer or evacuation programmes; and resettlement (UNHCR 2004: 3). Unlike burden-shifting, burden-sharing indicates an expectation of reciprocity between cooperating states. Yet, burden-shifting is often an apt description of a bilateral asylum arrangement, such as Australia’s Pacific Solution, implemented during the period 2001-2007 and again since 2013 under the Labor and the Liberal-National Coalition governments.

While there have been important developments of states cooperating to improve the conditions of refugee protection, often bilateral and regional cooperation agreements work to prevent asylum seekers from gaining access to the territory of states in which they might gain protection. Such policies include criminalizing asylum seekers through detention networks and issuing Temporary Protection Visas for recognized refugees. Among wealthy, industrialized states, burden-shifting emerges as a consequence of governmental efforts to avoid international obligations towards asylum seekers, and shift the burden back to poorer developing countries that are least equipped to deal with large population influxes.

Since the early 2000s, policy responses to the arrival of asylum seekers in Europe and Australia have increasingly led to the forging of agreements with neighbouring states. The European Union has funded the construction of immigration detention centres in the Ukraine (Flynn 2006; European Union 2009; Flynn and Cannon 2010), North Africa (Flynn 2006; Kimball 2007; Flynn and Cannon 2010) and most recently Turkey (European Commission 2014) while Australia has funded detention centres in Indonesia, Papua New Guinea and
Nauru. These centres are one example of a vast network of burden-shifting policies designed to construct the asylum seeker as an ‘illegal’ Other, thereby justifying the creation of legal, political and social obstacles for asylum seekers trying to enter states that are parties to the Refugee Convention.

3. Australia and Southeast Asia

Asylum seekers and stateless people in South-East Asia face a fragile and unpredictable situation when seeking protection, due to a lack of national legal frameworks dedicated to refugee protection in most regional countries. Of the 13 states, only three are parties to the 1951 Refugee Convention and only one State has signed the 1954 Statelessness Convention. The lack of asylum laws and diversity of national legal frameworks, as well as government practices and protection environments in the region’s countries, make achieving regional harmonization challenging. Additionally, several states are implementing increasingly restrictive policies, such as denying safe disembarkation or access at the airport, and narrowing protection space and access to asylum in domestic legislation. There has recently been an increase in maritime ‘push backs’ and instances of refoulement.

The main hosting countries of refugee populations within Southeast Asia are Thailand, Malaysia, and Indonesia – the latter two countries being well-known transit destinations for asylum seekers en route to Australia. For many refugees and asylum seekers residing in urban settings of states in the region, the lack of national asylum systems makes them vulnerable to classifications of illegality. As illegal, irregular migrants, they are subject to detention, expulsion, refoulement, and other serious protection risks. Their lack of legal status also prevents asylum seekers from accessing the labour market and basic services, including health care and education. Irregular maritime movements of stateless persons, asylum seekers and economic migrants in the region pose a tremendous danger to those who undertake them. They also present serious challenges to governments in balancing
international obligations to provide asylum seekers with access to protection, with the need to combat people-smuggling and human-trafficking networks.

For over two decades, Rohingya refugees from Northern Rakhine State in Myanmar (Burma) have remained in a protracted situation of displacement in camps and semi-urban settings in Bangladesh, and in the urban centres of Malaysia, caught in an apparent impasse between migration control policies and dim prospects for solutions. Escalating inter-communal conflict in Rakhine State in June 2012 resulted in acute internal displacement as well as outflows to other regional countries, including irregularly by sea. An increasing number of women and children continue to risk their lives on unseaworthy boats, vulnerable to exploitation, violence, trafficking, forced labour, as well as abuse in transit perpetrated to extract additional payment from relatives (UNCHR 2015). In 2016, 150,200 asylum seekers were registered with UNHCR in Malaysia (UNHCR 2016a). A majority of applicants, 135,400 asylum seekers, are from Myanmar, while 14,770 asylum seekers are from other countries, including some 2,830 Sri Lankans, 2,480 Pakistanis and 1,740 Yemenis. Prior to 2016, the issue of asylum was intertwined with human trafficking, and linked to a security paradigm (Kneebone and Debeljak 2012). In 2016, UNHCR proposed the introduction of the labour market integration of asylum seekers, to allow such persons in need of protection to live and work legally in Malaysia. Emphasis was placed on a regulated scheme that includes the opportunity to work lawfully, with the goal of extricating asylum seekers from the exploitation of smugglers and traffickers and the criminal market (Towle 2016). However, because Malaysia has not signed the 1951 Refugee Convention, asylum seekers in Malaysia are considered, by law to be illegal migrants without prospects for accessing lawful means to earn a living or to support themselves, receive education or healthcare.

3.1. ASEAN and Multilateral Asylum Policy

The Association of Southeast Asian Nations (ASEAN) comprising the 10 member states of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand
and Vietnam is yet to demonstrate collective interest in creating a regional instrument for the protection of refugees that would provide all members with a common legal or political framework for responding to asylum seekers and refugees in the region. Although the need for either a collective ASEAN response to the region’s refugee situation, or for a higher number of state accessions to the international refugee law instruments has been recognized by the ten Southeast Asian states (UNHCR 2003b), refugee protection under the ASEAN process continues to be conceptualized as a ‘security’ concern in relation to ‘irregular migrants’. This characterization and approach is consistent with the focus of the regional Bali Process created in 2011.

Within ASEAN, the existing consensus relating to value-laden international norms such as human rights and humanitarian law remains shallow. It is limited to a partial recognition of certain substantive norms, which does not include a consensus regarding their application to refugees and asylum seekers. With respect to the *jus cogens* norms of *non-refoulement* and the prohibition of torture, there is limited evidence of a deepening of the consensus in this regard. This is reflected, in particular, by references to the identical overlap between peremptory norms of international law, such as the prohibition of torture, and elementary forms of regional (ASEAN) declarations and instruments pertaining to human rights. Stated differently, the consensus has not yet progressed to a level of the efficient enforcement of *jus cogens* norms, in particular, the peremptory obligation to protect asylum seekers from *refoulement* and their rudimentary subjection to prolonged detention. As Caballero-Anthony (2008: 165) has explained, within the region, migration is “elevated by the state above the course of normal politics” and is viewed through a security lens. Secondary movements of asylum seekers to Australia occur as a result of asylum seekers’ management within a security paradigm that denies their protection under international law.

The 1997 ASEAN Declaration on Transnational Crime was supplemented in 1999 by the ASEAN Plan of Action to Combat Transnational Crime, which established the basic institutional and normative framework for a regional criminal justice response to
transnational issues (ASEAN 1999). However, refugees and asylum seekers are not afforded recognition or rights under this framework (Kneebone and Debeljak 2012). The ASEAN Security Community was renamed the Political-Security Community (APSC) in the 2007 Charter. The issue of asylum seekers falls within the APSC, which also extends the idea of traditional or national State security to cover human security issues. Refugees are mentioned within the ASEAN Community, only in the APSC Blueprint, and in the context of post-conflict peace building. Within this security paradigm, asylum seekers are conceived narrowly as “victims of conflict”, for whom “orderly repatriation” and resettlement is promoted (Kneebone 2014a: 306). Further, the plan makes no reference to basic principles of non-refoulement or asylum.

In adopting the ASEAN Human Rights Declaration (AHRD), the rights of refugees are referred to only in a limited respect, and are included by implication. Article 14 of the AHRD states without qualification that, “[n]o person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”. Furthermore, the AHRD provides guarantees of the very freedoms that are at the base of refugee status in the region. Article 2 requires that,

Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.

Moreover, Article 22 provides an unqualified right “to freedom of thought, conscience and religion”. It provides that “[a]ll forms of intolerance, discrimination and incitement of hatred based on religion and beliefs shall be eliminated”. However, when Article 4 refers to the rights of “vulnerable and marginalised groups,” it does not specifically include refugees and displaced persons. Yet, as Vitit Muntarbhorn argues,

Human rights are based on non-discrimination; they are not only the rights of our nationals but of all persons on our territory, including stateless persons, refugees,
displaced persons, migrant workers, minorities and indigenous peoples, bearing in mind gender sensibility (Muntarbhorn 2012).

Evidently, inconsistency exists in terms of the recognition afforded to asylum seekers as persons with human rights. Under the AHRD, recognition of the right of asylum seekers to freedom from persecution, or from *refoulement*, which is the complement of this right, is incomplete, especially as there is no reference to the right not to be returned. It is clear, therefore, that refugees are not yet recognized within the ASEAN Community as rights-bearing individuals.

### 3.2 ASEAN and its Capacity for Burden-Sharing

During the 1970s, the fall of the Republic of Vietnam and the Cambodian Lon Nol governments resulted in hundreds of thousands of boat people heading towards Thailand, Hong Kong, the Philippines, Singapore and Japan. From 1975-1992, UNHCR identified boat people arrivals: from Vietnam 860,149, from Cambodia 260,647, and from Laos 364,889 (Lanphier 1993). The Indo-China exodus resulted in a crisis in which coastal states were overwhelmed by the numbers and refused disembarkation unless resettlement agreements were offered by the flag states, and ships refused to conduct rescue at sea missions due to the expense and delay of disembarkation. Within two months in 1979, 80% to 90% of ships ignored asylum seekers’ distress signals (UNHCR 1981). In order to reclaim observance of the duty to rescue at sea, UNHCR sought to promote a compromise, in which the coastal state would allow temporary disembarkation while the flag state and other members of the international community would offer resettlement guarantees. Thousands of asylum seekers were disembarked in Hong Kong, the Philippines, Singapore, Thailand, and Japan on condition of such resettlement guarantees. By 1989, first asylum ports, such as Malaysia, Thailand, and Hong Kong sought to purge themselves of the burden of receiving boat refugees by adopting strategies such as redirection to other states or push offs back to the high seas. This resulted in the deaths of hundreds of asylum seekers. Asylum seekers who
survived the journey were placed in detention camps and incarcerated for months and years. These camps were fraught with incidences of police brutality, murder, rapes, and deplorable living conditions (Baillet 2003). Consistent with current day practices, all asylum seekers were treated as ‘illegal immigrants’ unless determined by the UNHCR to be refugees.

In response to this situation, UNHCR sponsored the International Conference on Indo-Chinese Refugees. Seventy-five nations adopted a Comprehensive Plan of Action (CPA) that included temporary refuge in the country of first asylum (i.e., coastal states), and promise by other countries (e.g., Western states) to offer resettlement. This program ran until 1996. A total of 1,311,183 Vietnamese boat people were resettled in the West and 72,000 persons were repatriated to Vietnam (Ruiz 1996). Thailand alone repatriated 250,000 to Cambodia. Between 1975 and 1995, Australia resettled 137,543 refugees (UNHCR 2001b). The CPA had problems involving forced repatriation of those considered “economic refugees,” arbitrary detention, and diminishing interest by resettlement states to live up to commitments. As Cort (1997: 327) argues, “rather than burden-sharing it turned out to be burden avoidance.” This scheme did not take into account the actual needs of the refugees due to the lack of political will by Southeast Asian states to engage in real, cooperative mechanisms of burden-sharing.

From a norm-based perspective, patterns of burden-sharing can be explained in two ways. First, burden-sharing bargains can be guided by notions of equity, basing the distribution of burdens on some key principle that is linked to the actual capacity of the different participants in the burden-sharing regime. A second way of explaining patterns from a norm-based perspective is to look at variations of the participating states’ commitment to norms that are related to the burden to be shared. From this perspective the burden that a state is prepared to accept will be linked to the strengths of a state’s preferences on safeguarding certain norms (such as general human rights standards or norms of distributive justice) (Thielemann 2006). It has been shown that states’ willingness to shoulder protection burdens are positively correlated with their relative commitment to the norm of solidarity with people
in need, and that countries which accept a disproportionate number of protection seekers are the ones with a strong commitment to domestic redistribution (extensive welfare states) and above average foreign aid contributions (Thielemann 2003). A state’s greater willingness to accept burdens (for whatever of the above reasons) often means that it will adopt a relatively lenient policy regime (more access, more attractive reception/integration package). However, there are reasons to expect that structural determinants are more important than policy-related factors in explaining the relative distribution of asylum burdens among Southeast Asian countries.

Southeast Asia’s non-commitment to international refugee law can be attributed to the ‘good neighbourliness’ argument, based on the principle of non-interference, also called the ‘ASEAN way’ (Acharya 2000; Muntarbhorn 1992). The principle holds that Southeast Asian states abstain from acceding to international refugee law as such obligations could compel states to interfere in the policy decisions of neighbouring countries, and inadvertently sour geopolitical and strategic relations. Other arguments against a regional commitment to international law include the contention that Southeast Asian states are unable to bear the costs of refugee hosting, processing and resettlement; the argument that refugees recognized under international refugee law would pose a threat to fragile ethnic cohesion in Southeast Asian states; and the Asian Values argument, which is that Southeast Asian states cannot be expected to recognize international refugee law as the concept imposes unacceptable burdens on ‘developing states’, and is therefore ‘irrelevant’ to their experiences (Davies 2008). Of these core reasons behind Southeast Asian states’ reluctance to accede to international refugee law instruments, the last argument presents the most striking allusion to the norm-based motives that preclude Southeast Asian states’ commitment to the protection of some of the world’s most vulnerable people. It is argued that human rights, such as the right to asylum, reflect European values and are fundamentally divorced from the experiences and interests of Southeast Asian nations. Since the end of the Cold War, there have been increased attempts to promote the principles of the Universal Declaration of Human Rights
(UDHR) into the domestic laws of Asian countries (Chimni 1998; Rajagopal 2003). One of the articles enshrined in the UDHR is Article 14 – the right to seek asylum. It was Article 14 that provided the mandate for the establishment of the UNHCR and subsequent international refugee law. In response to these attempts, Southeast Asian states have argued that human rights law was constructed when the majority of Asia was still under colonial rule and therefore there is little contained in the instruments that are of relevance to their situation (Chimni 1998; Sen 2003). From this perspective, Southeast Asian non-compliance with international refugee law can be seen as part of a broader pattern of non-compliance with international human rights laws. Thielemann (2006) advances the notion of solidarity with other countries, understood as a “commitment to the well-being of others, [and which] is sometimes conceived in terms of the recognition of special obligations between the members of a group, which exist in virtue of their being members of it” (Thielemann 2006: 12). However, instead of emphasizing solidarity and membership of an emerging political community that balances the efforts and consequences of receiving asylum seekers, Southeast Asian states prioritize a commitment to the norm of non-interference.

Successful burden-sharing arrangements require that states establish links to programs in countries of origin as well as first asylum countries, in order to prevent repeating ‘pull’ scenarios that attract more asylum seekers compared to neighbouring countries. Under the current international refugee protection regime, states of first asylum are obliged to determine the status of asylum seekers, i.e. assess whether they qualify as refugees under the 1951 Geneva Convention. Differences in structural pull factors – or non policy-related factors that make some host countries more attractive than others – have a very strong effect on the relative distribution of asylum seekers in the region (Thielemann 2004). Structural factors such as historic networks, employment opportunities, geography or a host country’s reputation are at least equally, if not more, important (Thielemann 2003). Inadequate protection, unequal access to education and livelihoods, and the general lack of durable solutions, all contribute to asylum seekers’ onward movement by sea or otherwise from
countries of first asylum. Increasing numbers of people are undertaking these dangerous journeys, making irregular migration a key issue facing Southeast Asia and the Pacific region.

Providing durable solutions for asylum seekers requires investment of resources towards internal displacement and first asylum programs, including the provision of financial support and human resources to ensure that the human rights needs of asylum seekers are met. However, the lack of political will of countries in the region to engage in real cooperation is resulting in burden-shifting, rather than burden-sharing policy responses. Domestically, these policies severely restrict asylum seekers’ access to protection. Internationally, they have resulted in unilateral action by some individual countries, undermining the principles of cooperation promoted by regional initiatives such as the Bali Process and ASEAN meetings.

The Bali Process

The Bali Process is a grouping of over 50 countries and international organizations, which work together to combat people smuggling, people trafficking and related crimes in the Asia Pacific region. The framework was agreed to by the vast majority of countries in the region, including those with significant flows of irregular migration, such as Indonesia and Malaysia, and was developed at a forum that included the UNHCR and the International Organization for Migration. The framework is underpinned by a set of core principles which go some way to recognizing the rights of refugees, for example, by recognizing that persons found to be refugees should be provided with a durable solution, including resettlement within and outside the region and, where appropriate, possible in-country solutions. Complementing these principles is the recognition that the Bali Process must assist countries to adopt best practices in asylum management, in accordance with the principles of the Refugee Convention (Co-Chairs’ Statement 2002: §26).

While the Bali Process makes allusions to jus cogens norms of international law pertaining to the peremptory prohibition of torture and non-refoulement, the primary focus of the
process is deterring irregular movement. The Bali Process arose out of Australia’s relationship with Indonesia, and as a multilateral regional process led by the Australian government. It encapsulates the restrictive side of the international refugee regime, emphasizing the idea of burden-shifting rather than burden-sharing. Susan Kneebone (2014b: 613) argues that the Bali Process is an example of “hierarchical steering” which “works within the nation-state paradigm to protect the interests of states.” From this perspective, it is argued that Australia leverages the complex and subtle power relationships that result from the unique political and economic factors that shape its relationship with other multilateral actors in order to pursue its own interests in the deterrence and securitization of asylum seekers in the region. According to the Australian-Indonesian chairs of the Bali Process, the multilateral framework seeks to promote orderly migration in the context of the migration-asylum nexus (Co-Chairs’ Statement 2011: §16(i)). However, it fails to fully recognize the rights of refugees and asylum seekers under international law. At the Fourth Bali regional Ministerial Conference in March 2011, the Co-Chairs’ Statement provided only qualified support for the principle of asylum and non-refoulement. It states:

> Where appropriate and possible, asylum seekers should have access to consistent assessment processes, whether through a set of harmonized arrangements or through the possible establishment of regional assessment arrangements (Co-Chairs’ Statement 2011: §16(ii)).

It also stipulated that: “Persons found not to be in need of protection should be returned, preferably on a voluntary basis, to their countries of origin, in safety and dignity” (Co-Chairs’ Statement 2011: §16(iv)). In the absence of a regional court of human rights to enforce and endorse the protection of asylum seekers, the lack of affirmation of the principle of non-refoulement allows the Australian government to export its restrictive policies on asylum to Indonesia and other countries within the region, through Australian-funded detention centres, and impose Australian-led legislative changes which depend upon
characterizing asylum seekers as ‘irregular’ or ‘illegal’ migrants within the framework of the Bali Process (Nethery and Gordyn 2014).

In its manifestation as a multilateral regional process, the Bali Process arose out of a regional securitized discourse on irregular migration, which began in the 1990s. As Kneebone (2014b) observes, the Bali Process has many features in common with ASEAN discourse, particularly in its characterization of the issue as a security threat and in its avoidance of the language of human rights to frame refugees. The first meetings of the formal Bali Process were held in 2002 and 2003, after which there was a gap until 2009 when the Process was reactivated and enhanced with a renewed emphasis on the securitization of asylum and transnational crime. This occurred in the wake of the Oceanic Viking incident, coinciding with the re-securitization of asylum in Australia. Sharp escalations in the flow of asylum seekers to Australia in 2001 due to conflicts in Afghanistan and the Middle East, as well as in 2009 as a consequence of the ongoing civil war in Sri Lanka and the persecution of ethnic Rohingyas from Myanmar, coincided with the development and revival of the Bali Process (Kneebone 2014a: 307). At the first meeting of the Bali Process in 2002, the Co-Chairs’ Statement held a strong focus on “people smuggling and trafficking in persons”, in line with the legacy of the 1999 Bangkok Declaration on irregular migration. It also alluded to the human rights dimension of the problem (Co-Chairs’ Statement 2002: §3), and linked the issue of irregular migration to refugees. The third Bali Conference held in April 2009 reaffirmed instead the agenda of transnational crime and the need for “enhanced regional cooperation, including extradition of people smugglers and traffickers, [to] help dismantle criminal networks and reinforce regional efforts to counter the illegal trade in persons” (Co-Chairs’ Statement 2009: §13).

As co-chair of the Bali Process and as the dominant regional actor, Australia has successfully promoted its national interests in preventing onward flows of asylum seekers to Australia by appealing to the mutual interests of states in preventing irregular migration. As the wealthiest nation in the region, Australia’s superior bargaining power enables it to exercise leverage
over other states and implement its securitized asylum policy through multilateral action on irregular migration. It does so through the granting of foreign aid and other capacity-building incentives in negotiations with poorer nations under the Bali Process. As the consideration by the Australian High Court of the 2011 Malaysia Arrangement demonstrates, there is no “level playing field” in the region (Kneebone 2014b: 605). This point is elaborated in the next section.

3.3 Australian Burden-Shifting in Bilateral Arrangements

In its bilateral and multilateral cooperation frameworks on asylum seekers, Australia has engaged in forms of policy transfer that are based on structural inequalities and power asymmetries between developed and developing states. Policy transfer theory is an explanatory framework for understanding how policies are adopted, either voluntarily or involuntarily, between institutions or governments. At its simplest, policy transfer theory describes “a process or set of processes in which knowledge about institutions, policies or delivery systems at one sector or level of governance is used in the development of institutions, policies or delivery systems at another sector or level of governance” (Evans 2004: 10). The notion of ‘incentivized policy transfer’ introduced by Nethery and Gordyn (2014) is a modification of Dolowitz and Marsh’s (1996) policy transfer spectrum. Dolowitz and Marsh’s (2000: 15) global policy transfer spectrum is useful for explaining a broad range of political conditions under which policy may be transferred. At one end of the spectrum, policy transfer is a voluntary, rational process that is best explained as lesson-drawing. At the other end, policy transfer is coercive when nation states have no choice but to implement a policy. Towards the coercion end of Dolowitz and Marsh’s spectrum, Evans (2004: 11) has added the notion of ‘negotiated transfer’, which describes situations whereby nations are compelled by an external institution or state to introduce policy change, but in a way that enables some negotiation about its nature. Negotiated policy transfer most often occurs within a dominant, often Western, paradigm about best practice and good governance, and
may undermine the sovereignty of the receiving nation state to make public policy in its own national interest (Evans 2004: 3). Similar to Evans’ concept of negotiated policy transfer, “incentivised policy transfer” refers to a process whereby “a wealthy state provides financial and diplomatic incentives to its poorer counterpart as encouragement to adopt a policy” (Nethery and Gordyn 2014: 183). The poorer state is enticed, rather than coerced, by incentives presented by the developed state in order to adopt the latter’s policy in its own national interest. Within this model, the host state maintains its integrity as a sovereign nation that is “free to make public policy decisions in its own interest, albeit within a framework which has been created by another state for its own benefit” (Nethery and Gordyn 2014: 184).

Malaysia Arrangement

Malaysia’s current immigration laws and policies associate breach of its laws with criminality and put the onus on immigrants to ensure that their status is ‘regular’. In Malaysia refugees who have been recognized as such by the UNHCR are at risk of being sanctioned under the legislation. Thus within the region, refugees have long been associated with threats to national sovereignty and identity, and with border or traditional security rather than as victims of human rights abuse (UNHCR 2014a). Under the Malaysia Solution, which proposed the shifting of onshore asylum seekers to Malaysia, Australia risked subjecting asylum seekers not merely to *refoulement* but to processes of “chain *refoulement*”, in which the asylum seeker is shuffled through many states and back into danger (Nethery and Gordyn 2014: 180).

The July 2011 Arrangement between the Government of Australia and the Government of Malaysia on Transfer and Resettlement (the Arrangement), was a bilateral agreement concluded under the Bali Process. It provided for the exchange of 800 asylum seekers arriving “irregularly” by boat in Australian excised territory, or who are “intercepted in the course of trying to reach Australia by irregular means” (Commonwealth of Australia 2011a:
clause 4(1)(a)), with up to 4,000 recognized refugees awaiting resettlement in Malaysia. Although promoted as an arrangement that would alleviate Malaysia’s protracted refugee problem, it had a ‘sting’ in that it was a deterrent measure in relation to the 800 asylum seekers who were to be exchanged. Following a challenge to the legality of a decision to implement the Arrangement, a majority of 6:1 of the High Court of Australia declared that there was an invalid exercise of power (Plaintiffs M70/2011 and M106 of 2011 v. Minister for Immigration and Citizenship; Kneebone 2014b).

The High Court reached its decision by applying a provision of Australia’s domestic legislation, which coincidentally accords with the idea that burden-sharing of refugee protection, is governed by a level playing field. Here I am referring to the view which has developed as an aid to interpretation of the Refugee Convention, that a state which intends to transfer its asylum seekers (and its responsibility to them) to another state, can do so only if there is equivalent “effective protection” provided in that state (Foster 2007: 230). Prior to the decision in Plaintiffs M70, Australian law was that asylum seekers could be transferred by Australia to any designated ‘safe third country’ under a lower standard of ‘practical’ protection (Kneebone 2008). The importance of this decision is that it highlights the practical difficulty of the ‘level playing field’ in the region, namely that, apart from New Zealand, Australia is the only country in the region which can provide ‘effective protection’ to asylum seekers (Kneebone 2014b).

Australia-Indonesia Relations

Australia and Indonesia have engaged in cooperation on asylum policy since the late 1990s, both multilaterally through the Bali Process and bilaterally through agreements on immigration detention and people smuggling. Indonesia’s tolerance of asylum seekers has historically stirred refugee policy concerns for Australian governments. Although Indonesia is not a signatory to the Refugee Convention, it has permitted the UNHCR to maintain an office and pursue its mandate in the country since 1979 (Taylor and Rafferty-Brown 2010a;
UNHCR 2010b). As Indonesia has no official asylum legislation or refugee law, it is the UNHCR’s primary responsibility to undertake registration and refugee-status determination in the country, and to find durable solutions for the refugees residing there (UNHCR 2010b). Of the three durable solutions – voluntary repatriation, local integration or resettlement – the UNHCR in Indonesia is limited to only two, as local integration in Indonesia is not possible because no domestic legislation exists to protect the rights and integration of refugees in the country (Taylor and Rafferty-Brown 2010b; UNHCR 2016a). Refugees and asylum seekers are allowed to stay only temporarily in Indonesia (UNHCR 2016a). Additionally, problems such as severe understaffing, a lack of resources for interpreters and a worldwide limit on the resettlement places available mean that refugees can live up to nine years in Indonesia, living a life in limbo, without access to employment or education (Taylor and Rafferty-Brown 2010a, 2010b). As a result of a lack of communication from the UNHCR, confusion and the length of processing, asylum seekers become frustrated and panicked, rendering the life-threatening option of taking a boat to Australia – a multicultural state that has ratified the convention and other human rights instruments – a risk worth taking.

UNHCR describes non-refoulement as a peremptory norm of general international law (“jus cogens”), i.e. a principle that should be respected by all governments, including the EU Member States. According to Article 53 of the 1969 Vienna Convention on the Law of Treaties, a peremptory norm of general international law “is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character” (United Nations General Assembly 1969: §53). Furthermore, Article 64 stipulates that “if a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates” (Vienna Convention), meaning that a peremptory norm prevails over treaty provisions. Not only the principle of non-refoulement, but also the prohibition of torture has become a peremptory norm:
The prohibition of torture is also part of customary international law, which has attained the rank of a peremptory norm of international law or *jus cogens*. It includes, as a fundamental and inherent component, the prohibition of *refoulement* to a risk of torture, and thus imposes an absolute ban on any form of forcible return to a danger of torture which is binding on all States, including those which have not become party to the relevant instruments (UNHCR 2007: 11).

This means that States, either parties or not to the legal instruments prohibiting torture and *refoulement*, have to protect people in danger of being sent to places where they may be subjected to torture. This obligation arises from the *jus cogens* nature of *non-refoulement*, as well as the prohibition of torture (Bacaian 2011).

Through its bilateral and regional engagements with Southeast Asian states, Australia has dominated regional coordination efforts on asylum, endorsing intra- and inter-state measures that obstruct the effective ‘localization’ of these *jus cogens* norms in the region. Amitav Acharya (2004) defines localization as a complex process and outcome by which states build congruence between international norms and local beliefs and practices. In this process, foreign norms, which may not initially cohere with a state’s domestic policy and practice on asylum, are incorporated into local norms on the issue (Acharya 2004: 241). The success of the endorsement and enforcement of these norms in regional frameworks depends on the extent to which regional cooperation strategies provide opportunities for localization. Australia’s prevailing policy of mandatory detention of asylum seekers arriving by boat, and its prohibition of the regular and independent monitoring of offshore detention centres on Nauru and Manus Island, pose serious challenges to human rights and the rule of law. Repressive measures have been used to stifle the voices of human rights defenders, including the Australian Human Rights Commission and the United Nations, as well as journalists seeking to expose the government’s treatment of asylum seekers that violates the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In 2014, United Nations Special Rapporteur on Torture, Juan Méndez, reported that Australia’s
failure to provide adequate detention conditions, end the detention of children, and resolve the violence and unrest at the Regional Processing Centre amounted to breaches of Articles 1 and 16 of the CAT (Human Rights Council 2015: 1).

The Human Rights Council further noted that recent passing of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 and the Migration Amendment (Character and General Visa Cancellation) Bill 2014 violates the CAT because they allow for the arbitrary detention and refugee determination at sea, without access to lawyers and the tightening of control on the issuance of visas on the basis of character and risk assessments respectively (Human Rights Council 2015). Despite Australia’s political responsibility for facilitating torture under the CAT, through the practice of the asylum regime in Manus Island and Nauru, the Australian Prime Minister, Tony Abbott, flagrantly dismissed the criticisms by Méndez, exclaiming “Australians are sick of being lectured to by the United Nations” (Cox 2015).

In the sub-region of Southeast Asia, the main threat to the protection of jus cogens norms of non-refoulement and the prohibition of torture does not result prima facie from Australia’s bilateral or multilateral treaties that facilitate perpetration of these norms, but from the acts of securitization towards asylum seekers that occur on Australian territory. The positional power of Australia as a major economic and military actor in the region contributes to the elevation of its national interests in the regional management of irregular migration. Because the Australian government’s pursuit of its national interests through bilateral and multilateral regional frameworks is premised on the securitization of asylum, the systemic corrosion of certain fundamental rights, such as the prohibition of torture and refoulement, occurs through its cooperation with regional authorities on measures to combat people-smuggling as well as through the development and funding of immigration detention centres in neighbouring states. In Indonesia, for instance, both these policy initiatives have been achieved through Australia’s provision of substantial financial and diplomatic incentives to Indonesia, thus
creating a situation in which Indonesia can adopt migration policy that benefits Australia in its own national interest.

Violations of the peremptory norm on the prohibition of *refoulement* are manifest in Australia’s bilateral agreements with Malaysia, Indonesia, Papua New Guinea and Nauru, as well as its multilateral agreements with other regional actors through the Bali Process. The Australian government’s policy of forcibly rejecting, turning-around and diverting to a third country asylum seekers arriving by boat, prior to determining the individual’s claim for protection in accordance with international law, is in conflict with the commitment Australia has made by becoming a party to the Refugee Convention, and to the other Conventions that contain similar obligations such as the International Covenant on Civil and Political Rights (the ICCPR) and the Convention on the Rights of the Child (the CRC) (McAdam and Chong 2014; Saul 2013; Australian Human Rights Commission 2014).

*The Pacific Solution*

Australia’s Pacific Solution, implemented in 2001-7 and again since 2013 exemplifies its use of burden-shifting in bilateral arrangements, which defects from the protection demand of asylum on the presumption the other state will deliver protection (Noll 2003). In July 2013, the Australian government arranged for all asylum seekers travelling to Australia by boat to be detained and processed in Nauru and Papua New Guinea (PNG) in exchange for a substantial increase in aid funding to these countries. The Refugee Resettlement Arrangement (RRA) between Australia and PNG, colloquially known as the ‘PNG Solution,’ meant that asylum seekers held in PNG detention centres would be resettled in PNG and not in Australia (The Australian 2014). The associated promise of an additional $420 million in aid funding was made at a time when Nauru was bankrupt while Papua New Guinea remained critically underdeveloped as a nation (Clarke 2014). As Savitri Taylor (2005: 33) posits, the Pacific Solution was possible principally because of the “asymmetric power relationship” between Australia and its Pacific neighbours, which “were too desperate for
money and too dependent on Australia’s continued patronage to bargain with the Australian
government on equal terms”.

While the 2012 Regional Processing Act provided for the assessment of asylum seekers by
the Papua New Guinean government, it was the August 2013 Regional Resettlement
Arrangement that provided for the resettlement of asylum seekers determined to be refugees
in Papua New Guinea. Under the 2013 Arrangement, the impoverished nation is responsible
for carrying out refugee status determination to be managed and administered under
domestic law, with support from Australia. Several provisions of the Papua New Guinean
Migration Act and Regulation are inconsistent with the state’s commitments under the 1951
Convention. Although the UNHCR (2013a) has proposed legislative amendments to the
Migration Act and Regulation governing the status determination of asylum seekers –
specifically, the detailing of asylum processes and procedures – the lack of expertise to
determine refugee status in Papua New Guinea is likely to result in the deportation or
extradition of persons to a state where they could be subjected to persecution, torture or
inhumane and degrading treatment. In a letter dated 9 October 2012, the United Nations
High Commissioner for Refugees, António Guterres, advised the Australian Minister for
Immigration and Citizenship, Chris Bowen, that the immigration bureaucracy in Papua New
Guinea did not have sufficient capacity to undertake refugee status determination under the
Refugee Convention (UNHCR 2012: 2):

There are currently no immigration officers with the experience, skill or expertise to
undertake Refugee Status Determination under the Refugee Convention. Since 2008, in
the absence of any national capacity in this regard, UNHCR has been obliged to
exercise its mandate to determine asylum seekers’ need for protection and to find
solutions through resettlement. We recognize that efforts are presently being made to
identify and train a small cadre of officers in asylum and refugee issues. Over time,
capacity will improve but, depending on the scale and complexity of the task of
processing cases and protecting refugees under the bilateral arrangements, it will likely
remain insufficient for an important period of time.
The implication therefore is that *refoulement* is endemic to the Australian government’s incentivized policy transfer of securitization through its bilateral arrangement with Papua New Guinea. UNHCR officials visiting the processing centre on Manus Island in June 2013 observed assessment interviews by the local Immigration and Citizenship Services Authority (PNGICSA). They reported that local officials were “rigidly directed by use of a detailed template and script, leaving little scope for capture of information relating to individual circumstances of the applicant in his country of origin, or protection problems experienced in transit countries” (UNHCR 2013a: 7-8). During a follow-up visit to the processing centre in October 2013, UNHCR officials noted that, due to the particular complexities of their countries of origin, asylum seekers were “likely to present very complex cases requiring a high level of skill, experience and expertise by decision makers,” and expressed uncertainty that PNGICSA officers could undertake adequate determinations without ongoing mentoring and adequate quality oversight (UNHCR 2013b: 8).

Security concerns pose another threat to the 2013 Arrangement. A demonstration that flared in the processing centre on Manus on 17 February 2014 resulted in 77 asylum seekers treated for injuries, mainly head injuries, and the death of one asylum seeker (Morrison 2014). In an interview with Fairfax media, asylum seekers claimed that after they were attacked in February, the assailants entered their rooms and destroyed everything they had. These reports indicate that asylum seekers were subject to cruel, inhuman and degrading treatment during the incident at the Manus Island Detention Centre from 16 February to 18 February 2014, in contravention of Article 7 of the ICCPR (The Sydney Morning Herald 2014). The Australian ‘Cornall Review’ released in May 2014 found that tensions had become aggravated by antagonism between some asylum seekers, and some Papua New Guinean nationals employed at the centre and their supporters in the local community, and that a major task existed to rebuild trust (Cornall 2014).

In 2013, Amnesty International flagged two effects of insecurity within the Regional Processing Centre on Manus Island. This included heightened anxiety about resettlement
following experiences of confrontation, as well as concerns about security in the event of resettlement in Papua New Guinea, which may compel some asylum seekers to return to their country of origin in spite of the risks faced there. Effectively, this would result in constructive *refoulement*, which stands in violation of the principle of *non-refoulement* (Amnesty International 2013a, 2013b). From the commencement of Operation Sovereign Borders in 2013 until 30 May 2014, 264 asylum seekers from offshore processing centres, including Manus Island, were allegedly reported to have voluntarily returned to their country of origin (ACBPS 2014). Such returnees are the victims of prolonged indefinite detention under the Australian government’s draconian polices; they are tortured people who choose to return to countries where their life or freedom would be threatened on account of their race, religion, nationality or membership of a particular social group or political opinion.

On 26 April 2016, the PNG Supreme Court ruled unanimously and resoundingly that the detention of asylum seekers and refugees on Manus Island was against the law, contravening the right to personal liberty guaranteed in the PNG constitution (Human Rights Watch 2016). It also found that the forced transfer of people to PNG was illegal. The PNG Supreme Court ruling exposed the aberrant nature of Australia’s detention policies, which prioritize Australia’s short-term political interests, and compel less powerful states to break their own laws through bilateral agreements on asylum policy. The court deemed the transfer of people against their will to PNG illegal, and required the Australian Government to immediately return all refugees and asylum seekers to Australia. The Australian Government was also ordered to respect the refugee status already granted to around 500 refugees, and allow for a full and fair review of the initial negative decisions on 400 failed asylum seekers (Refugee Council of Australia 2016a). Despite the PNG Supreme Court ruling, the Australian government has maintained the operation of the Lombrum naval base detention center on Manus Island (ABC News 2016). In October 2016, the Australian government further declared that none of the asylum seekers or recognized refugees from the detention centers on Manus Island would be resettled in Australia (ABC News 2016).
Each of Australia’s bilateral arrangements with countries in the region has been based on the Australian government’s attempt to circumvent its international legal obligations to provide asylum seekers fair and effective asylum determination procedures on Australian territory. Its asylum policies in the region have been premised on structural inequalities and power asymmetries. The Australian government’s capacity to assume a leadership role in the region to steer a multilateral, responsibility-sharing arrangement for the hosting, processing and resettlement of asylum seekers has been forsaken for burden-shifting regional, and particularly bilateral, solutions.

4. Sweden and the European Union

4.1 The European Union and Multilateral Asylum Policy

In the European Union, *jus cogens* norms of *non-refoulement* and the prohibition of torture are protected mostly through multilateral treaties. The multilateral creation of law in the EU has created a system in which states are bound by obligations, not only owed to each other, but also to the community at large. The *jus cogens* nature of *non-refoulement* and the prohibition of torture demands that these are norms cannot, in any circumstances, be overridden. Thus, beyond the States party to the 1951 Convention, all States are bound to respect the obligation not to *refoule* individuals, either unilaterally or in cooperation with other states, bilaterally or multilaterally. In the EU, the European Court of Human Rights and the European Court of Justice monitor states’ violations of *jus cogens* norms in collective or individual endeavours to securitize asylum. Nevertheless, European states have collectively, through the EU, harmonized asylum policies towards the lowest common denominator in terms of human rights and refugee protection standards (Reilly 2000). Thus, the EU’s main burden-sharing initiatives, which rely largely on policy harmonization, have provided an alternative policy venue for national parties to pursue restrictive refugee policy preferences whilst adhering to their obligations under European and international law. While regional
asylum policies based on deterrence, and burden-sharing policies based on minimum protection standards, have raised the threshold for asylum seekers seeking protection in EU member states, Sweden has not succumbed to regional pressures to eschew its burden-sharing responsibilities. Rather, it has gone in the opposite direction by advocating greater refugee quotas and the provision of more legal routes into the EU for asylum seekers to access protection and security (Regeringskansliet 2015a).

It is important to note that the official text establishing the EU’s burden-sharing instruments on asylum policy emphasizes notions of solidarity and fairness. The European Commission laid the foundation for these norms early in the development of a Common European Asylum System. In 2004, the Commission stated:

A better balance between the efforts made by the member states in the reception of refugees and displaced persons will be achieved by means of the principle of solidarity (European Commission 2004: 10).

The text of the European Refugee Fund (ERF) Decision further demonstrates this commitment to international legal norms. The European Refugee Fund states that the implementation of the common policy on asylum should be based on solidarity between member states, and requires the existence of mechanisms intended to promote a balance in the efforts made by the member states in receiving and bearing the consequences of receiving refugees and displaced persons (Council of the European Union 2000: §2). It stipulates that it is fair to allocate resources (from the ERF) proportionately to the burden on each member state by reason of its efforts in receiving refugees and displaced persons (Council of the European Union 2000: §11). The EU’s Temporary Protection Directive of 2001, which devotes an entire chapter to the issue of community solidarity, specifies how soft solidarity mechanisms may be used to achieve an equitable distribution in the case of a mass influx. Indeed, the constitutions of all EU member states contain provisions which foresee burden-sharing on the basis of some notion of solidarity between the different territorial entities and regions in cases of economic, financial or infrastructural imbalances.
Yet, the hard bargaining that characterized the establishment of the ERF, and the inability to agree on a distribution key in the case of temporary protection measures (in the case of mass influx such as recently from Syria) point towards deep-seated apprehensions and a fundamental fear of commitment to Community solidarity on issues of asylum. A consistent commitment to the norm of solidarity with asylum seekers would necessarily alter notions of identity, belonging and the day-to-day relations between citizens and the non-citizen ‘Other’ in the various member states. By applying visa requirements, carrier sanctions and, lately, offshore determination, the refugee immigration policy approach of the European Union has consisted partly of measures to move decision-making to third states in order to keep all those seeking refugee status outside the EU (Carrera and Hernández 2009; Hansen 2008; Spehar 2012). Sweden, however, has taken a leadership role in the EU and encouraged greater burden-sharing through a multilateral asylum policy.

In discourse and in social practice, the European Commission has regularly engaged in exclusionary policies on issues of irregular migration. Since its beginnings in the early 1950’s, the European Union has focused, to a large extent, on defending itself against any threat that could come from outside its frontiers. One of these threats was illegal migration, which was linked to political, economical, social and cultural instability, as well conflict among European countries. In order to prevent illegal migration, several agencies were created, such as Europol (the European Police Office) and Eurojust (the European judicial cooperation body), to deal with immigration, terrorism, human trafficking, organized crime and any other international crime. Since the beginning of the 1990s the European Union has increasingly moved towards a criminalization of migration by connecting migration to issues of security (Khosravi 2009). The EU has strengthened cooperation in the area of migration, asylum and security, where the focus lies on protecting the European borders from illegal immigration. An important step in this direction was the Schengen Agreement, which resulted in the creation of Europe as a “borderless Schengen area” in 1995, leading to an
intensification of the protection of the external European borders, while blurring the internal ones.

*Schengen and Dublin*

One of the first steps in the development of the European refugee and asylum law was undertaken by the Schengen Agreement, first created outside the European Community and then incorporated into the European Union’s legal framework by the Treaty of Amsterdam. The Signatory States of the Schengen Agreement set out a Schengen Area without borders and with a single external frontier. The first Schengen Area was created by France, Luxembourg, Germany, Belgium and the Netherlands in 1985, with the aim of abolishing all internal borders and facilitating the free movement of people. With the existence of a single external frontier, new border control procedures, such as conditions of entry, visa requirements or rules on asylum, were needed. On the topic of asylum, the 1985 Schengen Agreement formulated a set of rules to identify the state responsible for processing an asylum application. In its Chapter 7, *Responsibility for Processing Applications for Asylum*, the Contracting Parties agreed on examining an asylum application under their national law (Article 29(2)), but in accordance with the Refugee Convention and UNHCR’s recommendations (Article 28). According to Article 29, the Contracting Parties have the obligation “to process any application for asylum lodged by an alien within any one of their territories” (Council of the European Union 2000: 26). In other words, they are obliged to process all applications but not bound to grant protection to anyone who applies for asylum. The Contracting Parties have thus the right to authorize, refuse entry or expel the asylum seekers. However the Convention stipulates that only one contracting party “shall be responsible for processing that application,” and that “this shall be determined on the basis of the criteria laid down in Article 30” (Council of the European Union 2000: 26). The state responsible for processing an asylum application will be the one that issued the asylum seeker with a visa or residence permit with the longest duration, or if the asylum seeker doesn’t possess any of these documents, the country across whose external borders the
asylum seeker entered the Schengen area (Council of the European Union 2000: 26). The Schengen Agreement makes reference to the right to family reunification of an asylum seeker who has been entitled with refugee status and the right of residence. According to Article 35: “the Contracting Party which granted an alien the status of refugee and right of residence shall be obliged to take responsibility for processing any application for asylum made by a member of the alien’s family provided that the persons concerned agree” (Council of the European Union 2000: 27). In sum, the Schengen Convention was intended to safeguard the right of individuals to seek asylum in no more than one of the Schengen countries, which should be determined upon the Convention standards not on the preference of the asylum seeker.

Following the Schengen Agreement, the asylum provisions were revised and replaced by the Dublin Convention, which stipulated that the asylum application be examined in the member state from where the applicant first entered the European Union (Article 7), or where he has a valid visa or residence permit (Article 5) or where one of his family members has been recognized as having refugee status (Article 4) (Council of the European Union 1997: 5-7). The main idea behind the Schengen and Dublin Conventions was set out in the preamble of the latter:

Aware of the need, in pursuit of this objective, to take measures to avoid any situations arising, with the result that applicants for asylum are left in doubt for too long as regards the likely outcome of their applications and concerned to provide all applicants for asylum with a guarantee that their applications will be examined by one of the member states and to ensure that applicants for asylum are not referred successively from one member state to another without any of these states acknowledging itself to be competent to examine the application for asylum (Council of the European Union 1997: 2).

What the signatory states aimed to achieve with these Conventions was to ensure that all the asylum applications are examined by the member state responsible, thus relieving all the
others of this work and avoiding multiple applications being presented simultaneously or consecutively in the European Community (De Bruycker 1997). The Schengen and Dublin Conventions established the first European asylum system, based on the identification of the State responsible for examining an asylum application. However, according to these Conventions, the examination of the asylum application will still be done under the national legislation and the international obligations of the member state in question. The Dublin Regulation that was first introduced in 1990 has further restricted and criminalized the movement of refugees on European territory. The Dublin Regulation is an EU law that determines what country should be responsible to examine a person’s asylum application, which was established in order to prevent people from seeking asylum in more than one country. Usually the responsible member state is the state through which the asylum seeker first entered the EU, which means that refugees are not allowed to choose in what country they want to seek asylum. Through the EU database EURODAC, the migration authorities can check if a person’s fingerprints are registered in another “Dublin country”, which would result in her/him being sent back. It should be noted that individuals are often forced to leave their fingerprints under threat or direct violence (Jansson and Molander 2012: 55). The principle of the “first country of asylum” is an important factor for the Swedish authorities when trying to reduce the amount of asylum seekers (Abiri 2003; Jansson 2013).

Anxieties related to the enlargement of the EU and the alleged inability of future member states to effectively control the new external borders have strengthened cooperation amongst EU member states to restrict the access of migrants and asylum seekers to their territory (Collinson 1993; Chebel d’Appollonia and Reich 2008). A key agency involved in implementing the concept of “integrated border management” is FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders. FRONTEX was created by European Council Regulation EC 2007/2004 of 26 October 2004 with the objective of coordinating operational cooperation amongst member states to strengthen security at the external borders of the EU (Léonard 2010: 234). The concept of “integrated
“border management” has underpinned the development of EU cooperation on border controls since the Tampere programme agreed by the European Council in 1999, and involves the coordinated action of activities run by the public authorities of member states in relation to border control and surveillance (Léonard 2010: 234).

Although the cooperation of member states with regard to establishing a common policy on asylum utilizes tactical mechanisms of deterrence on a practical level, the norm of equitable international burden-sharing for refugees and the establishment of concrete refugee burden-sharing mechanisms at the regional level have been emphasized in official rhetoric since the mid-1980s (Thielemann 2006). EU leaders have consistently stressed that the development of a common European asylum policy “should be based on solidarity and fair sharing of responsibility, including its financial implications, and closer practical co-operation between member states” (Council of the European Union 2004a: 18). These norms have been enshrined in the EU’s body of treaties and legislation on asylum. The legal basis for the right to asylum at the European level is article 78 of the Treaty on the Functioning of the European Union, providing an overview on the protection of asylum seekers and the principle of non-refoulement. Moreover, the right to asylum has been recognized as part of the objective of the European Union to establish an area of freedom, security and justice. Article 3, paragraph 2 of the Consolidated Version of the Treaty on European Union (2008: 17), states that: “The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.” As a human right, the right to asylum was set out in Article 18 of the Charter of Fundamental Rights of the European Union: “The right to asylum shall be granted with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union” (Council of the European Union 2012a: 399).
Thielemann (2006) discusses several examples of burden-sharing systems in the EU, namely, policy harmonization, quotas and a system based on market mechanisms. Nevertheless, policy sharing and harmonization does not remove the problem that some states within a cooperation zone receive much larger numbers of people seeking protection than others. The persistence of geographical and socio-economic inequities in the region has led to burden-sharing being described by one commentator as: “desideratum at best, a deceptive rhetorical veil at worst” (Noll 2003: 236).

Complementary and Subsidiary Protection: A Deceptive Rhetorical Veil?

In 1996, the Council of the European Union adopted a joint position on the harmonized application of the definition of the term ‘refugee’ under the 1951 Refugee Convention (Council of the European Union 1996). The aim of this document was to ensure that member states process an asylum application in compliance with Article 1A (2) of the 1951 Refugee Convention and with UNHCR’s interpretation on the harmonized application of the definition of the term ‘refugee’ under the Geneva Convention (UNHCR 2005). All 28 EU member states are parties to both the 1951 Refugee Convention and the 1967 Protocol. Article 78 of the Treaty on the Functioning of the European Union expands upon the coordination and development of a common European policy on asylum in accordance with both these documents:

The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties (Council of the European Union 2012b: 76).

This means that when examining a refugee application, the member states should act in accordance with the Convention definition. What the European Union adds to the 1951
Refugee Convention is the notion of *subsidiary and temporary protection*, another way of offering protection to those who do not qualify as refugees on the basis of the refugee definition set out in the Geneva Convention. After having his application examined, an asylum seeker may be entitled to refugee or subsidiary protection status. A great number of asylum seekers, who do not qualify as refugees, fall under the second category and become “persons eligible for subsidiary protection”. Under international law, this obligation to protect people who do not satisfy the 1951 Refugee Convention definition is referred to as *complementary protection*. However, there is no universally accepted definition of this concept. For the Council of Europe, complementary protection is identified as *de facto refugee status*. In its non-legally binding Recommendation 773 (1976), the Council of Europe defines the term “de facto refugees” as “persons not recognized as refugees within the meaning of Article 1 of the 1951 Refugee Convention as amended by the Protocol of 31 January 1967 and who are unable or unwilling for political, racial, religious or other valid reasons to return to their countries of origin” (Parliamentary Assembly of the Council of Europe 1976: 1).

The European Union codifies complementary protection in the form of *subsidiary protection*. Thus, a person eligible for subsidiary protection was defined in Article 2(e) of the *Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted* as follows:

A third country national or stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 and to whom Article 17 (1) and (2) do not apply,
and is unable, or owing to such risk, unwilling to avail himself or herself of the protection of that country (Council of the European Union 2004b: 14).

According to Article 15, serious harm refers to: death penalty, execution, torture, inhuman or degrading treatment, punishment, threat to life or violence in the event of an armed conflict (Council of the European Union 2004b: 19). This means that in the European Union, the notion of subsidiary protection is very generous and applies to many categories of people, not only to those who may be subjected to torture.

Not all EU member states have chosen to comply with these established human rights standards on asylum. Denmark, for instance, is a State party to the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees, but has opted out of the EU acquis on asylum and is not bound by the legal framework established by the EU in relation to the harmonization of asylum policies. Domestic legal provisions are primarily contained in the Danish Aliens Act. Since 2002, Denmark has frequently introduced legislative changes to the Aliens Act in a restrictive direction resulting in the sharp plunge of asylum seekers arriving in Denmark from 1995-99 where over 45,000 asylum applications were received, to just over 5,000 between 2005-2009 (Bendixen 2016). This figure has remained low compared to most Western European countries. With regard to family reunification, the Danish Aliens Act has become one of the most restrictive in Europe, while the criteria for the expulsion of aliens have been amended several times, reducing safeguards against refoulement for persons in need of international protection (UNHCR 2010c).

In Scandinavia, Denmark has advocated one of the most exclusionary policies of any of the EU member states. This is worthy of mention because, like Sweden, Denmark is, according to any measure, historically one of the most egalitarian countries in the world, with a proud tradition of standing up to bigotry especially during Nazi occupied Europe (which can be contrasted to Sweden which claimed an inconspicuously neutral stance in relation to Nazi Germany at the time). Based on these trends, it would seem likely that Sweden would assume a similar stance to the Danish government, which has recently cut social benefits to
refugees by 45%, reduced its intake of asylum seekers and confiscated any cash carried by them above US$1500 (Eakin 2016). Sweden, in contrast, has advocated one of the most liberal open border policies in Europe, in spite of the disproportionate burden of asylum seekers that it has received, and while it was squeezed to capacity. By late 2015, the Swedish Migration Agency faced a shortage of housing for 80,000 asylum seekers (Migrationsverket 2016c: 28). Although more restrictive asylum policy changes have been introduced in Sweden since the refugee crisis of 2015, the Swedish government has not changed its rhetoric on asylum seekers. The introduction of more restrictive legislative amendments has been guided by pragmatism and practicality in relation to infrastructural capacity limits to manage the large influx of asylum seekers. The imposition of restrictive measures, the government argued, was required to reduce numbers and enforce responsibility sharing amongst EU states.

In Denmark, by contrast, the growing domestic consensus that large-scale Muslim immigration is incompatible with European social democracy has consolidated Danish leadership of other EU member states towards the right. The nation’s resistance to asylum seekers from Africa and the Middle East was manifest in the Danish general election of 2015 (which took place just months before the Syrian refugee crisis peaked in its effects on Europe), where the debate centred around whether the incumbent, centre-left Social Democrats or their opposition, the centre-right Liberal Party, were tougher on asylum seekers. The main victor was the Danish People’s Party, a populist, openly anti-immigration party, which drew 21% of the vote. The party’s founder, Pia Kjærgaard, infamously claimed that Muslims “are at a lower stage of civilization,” setting the precedent for exclusionary, xenophobic asylum policy. With the support of the Danish People’s Party, the centre-right Liberals formed a minority government that has taken one of the hardest lines on asylum seekers of any European nation.

Research carried out by the UNHCR in Belgium, France, Germany, the Netherlands, Sweden and the United Kingdom documents dramatic variations in refugee protection rates at first
instance with regard to applicants from Afghanistan, Iraq and Somalia. Variations in this regard stem from widespread fear that asylum seekers from the Middle East and North Africa are increasingly prone to Islamic fundamentalism and therefore inassimilable in a secular, republican society (Hollifield, 1999: 72; Gustavsson 2006). Under Articles 8(1) and (2) of the European Union Qualification Directive, Member States are permitted to refuse subsidiary protection to applicants if it is deemed that internal protection may be available in another region of the country of origin. In the UK, this has been interpreted restrictively, resulting in the state holding the lowest international protection rate for Afghans and Iraqis amongst the abovementioned countries. UK case law holds that persons fleeing armed conflict or large-scale violence do not qualify as refugees under the 1951 Refugee Convention, unless they can demonstrate that they are differentially impacted. In order to demonstrate this, an individual must show a fear of persecution for 1951 Convention reasons over and above the ordinary risks of conflict (House of Lords 1998). Such an approach, however, may fail to recognize that war and violence are frequently the means chosen by persecutors to repress or eliminate whole groups targeted on account of their ethnicity, religious beliefs or other affiliations (UNHCR 2001c). Therefore, when these persons are assessed and not deemed to be in need of international protection, the UK has enforced their repoulement to Afghanistan and Iraq, contrary to UNHCR’s advice (UNHCR 2011b). Both Denmark and the UK exemplify the fact that EU policy harmonization on asylum, whilst helping to safeguard compliance with minimum human rights standards, may not enforce states’ adherence to jus cogens norms of non-refoulement and the prohibition of torture, as this is ultimately determined by states’ policy decisions on the relative leniency or restrictiveness of its asylum regime.
4.2 Sweden and Burden-Sharing in EU Multilateral Arrangements on Asylum Policy

In the case of Sweden, the generosity of its national asylum policy essentially accounts for the state’s relatively high share of asylum applications within the EU, rather than regional policy-related factors. This has been particularly evident in recent years with the large influx of asylum seekers from Syria. In January 2010, the Asylum Procedures Directive (2005/85/EC) and the Asylum Qualification Directive (2004/83/EC) were implemented in the Swedish Aliens Act (Regeringskansliet 2006). However, Swedish asylum policy remains more generous than the minimum standards stipulated in the Qualification Directive, since Swedish legislation covers persons affected by “other severe conflicts” (European Migration Network 2010: 4). Indeed, there are four national statuses in the Swedish Aliens Act not covered by the Council Directives, including subsidiary protection due to “other severe conflicts” in the country of origin, and if the individual has a well-founded fear of being subject to serious abuse; subsidiary protection for an asylum seeker who is unable to return to the country of origin due to an environmental disaster; as well as categories for humanitarian protection, and the protection of tribunal witnesses (European Migration Network 2010: 4). The supplementary provisions within the Aliens Act, which provide more avenues for persons seeking asylum to access protection, lend the Swedish government significant leadership credibility on asylum policy in the European Union.

Thielemann (2006: 13) argues that a state’s willingness to shoulder protection burdens is “positively correlated with their relative commitment to the norm of solidarity with people in need and that countries which accept a disproportionate number of protection seekers are also the ones with a strong commitment to domestic redistribution (extensive welfare states) and above average foreign aid contributions.” Although the norms endorsed in the EU’s regional burden-sharing regime have a significant influence on member states’ espousal of international law norms and motivate the equal distribution of refugee burdens in Europe, appeals to solidarity have been insufficient in preventing a race to the bottom on Common
European Asylum policy by states trying to avoid substantial burdens. Indeed, the Swedish government’s commitment to norms of international law that are related to the burden to be shared (including general human rights standards and norms of international solidarity) is linked to the strengths of preferences of the states’ parties in the Riksdag. Andrea Spehar (2012) has argued that the burden-sharing initiatives pursued by the Swedish government in the EU have been motivated by an intent to shift towards more restrictive asylum policies, but that such intent has been thwarted by smaller parties in the Riksdag who advocate more generous asylum policies.

As early as 2001, the Social Democratic Party expressed the need for member states to share responsibilities over the protection of asylum seekers in its party program (Socialdemokraterna 2001: 34). While Spehar (2012) has argued that such rhetoric is indicative of more restrictive asylum policy inclinations, the advocacy of small parties in the Swedish Parliament, historically centred on norms of international law including solidarity, and peremptory norms of non-refoulement and the prohibition of torture, has significantly affected Swedish asylum policy in a positive direction. As Spehar (2012) argues, it is common that small parties, especially the Liberals, the Christian Democrats, the Greens and the Left Party, advocate liberal and generous asylum policies within the EU. These parties have been critical of the Swedish Government for not addressing the relationship between asylum and border control comprehensively, and disparaging towards the directives and policies adopted by the EU, at times opposing their implementation in national legislation (Spång 2006: 31). The criticism has centred on such issues as Schengen-related border control policies and related agreements, such as the regulation of refusal of entry and extradition, and carrier sanctions (Riksdagen Protokoll 1997/98: 91), as well as the Dublin Convention and the Dublin Regulation, and directives concerning temporary residence, refugee reception and refugee qualification (Riksdagen Protokoll 2002/03:16). The Swedish government’s commitment to norms of international law that drive its leadership over the
development of more robust regional burden-sharing frameworks is closely linked to the strengths of norms endorsed by smaller parties in the Riksdag.

Since 2009, both the Moderate Party and the Social Democratic Party have advocated shared responsibility and solidarity through the Common European Asylum System (Spehar 2012; Cunevski 2012). The major parties’ advocacy of responsibility-sharing coincided with the period when Sweden held Presidency of the European Union between July and December 2009. During this time, the Swedish Minister for Justice, Beatrice Ask, and Minister for Migration and Asylum, Tobias Billström called on EU member states to provide more opportunities for legal (labour) migration to facilitate alternative entry pathways for failed asylum seekers, and for the creation of a procedure for lodging extraterritorial asylum applications (Langdal and von Sydow 2009: 13).

In 2013, Sweden became the only European Union country to offer permanent residence to Syrian asylum seekers (ECRE 2013: 8). It continues to have the largest regular resettlement programme in Europe, after Germany, as well as proportionately the largest resettlement programme for Syrians. As one of Europe’s largest donors of humanitarian aid in response to the Syrian crisis, Sweden donated €84,436,191 between 2011 to June 2014 (European Commission 2014). In 2014, the Swedish Minister for Migration, Tobias Billström, urged the European Commission to act against countries that failed to comply with European Union rules with regard to shared responsibility for accepting refugees. Out of the 80,000 Syrians who had until early 2014 fled to Europe, more than 50,000 sought asylum in Sweden and Germany alone. In seeking a remedy for the disproportionate asylum burden borne by Sweden, Cecilia Malmström, the European Commissioner for Home Affairs, investigated migration-related violations in twelve EU member states and threatened to take the offenders to court unless improvements were made (EurActiv 2014). Indeed, an increased emphasis on burden-sharing within the EU has been foremost on the Swedish government’s political agenda, as a means to alleviate strain on its own domestic asylum policy. In advocating improved refugee resettlement within the EU, Sweden currently chairs the Core Group on
Syrian Resettlement and advocates expanding refugee resettlement for refugees from Syria (ECRE 2013: 99).

In the wake of the refugee crisis of 2015, the Swedish government has sought solutions to the nation’s capacity problem by calling for EU reform on refugee policy in order to increase burden-sharing between countries, as well as introducing a national law that forces local municipalities to settle new forced migrants, including refugees and asylum seekers (Regeringskansliet 2015a, 2015b). In September 2015, Prime Minister Stefan Löfven urged asylum policy reform within the EU, based on norms of international solidarity, burden-sharing and justice (Regeringskansliet 2015a). The Swedish government has advocated the establishment of a permanent and obligatory redistribution mechanism in the event of disasters; the prioritisation of saving the lives of asylum seekers during humanitarian crises; greater responsibility sharing; the upholding of EU asylum law pertaining to the *jus cogens* norms of *non-refoulement* and the prohibition of torture; the humane return of refugees; a large increase in the number of quota refugees to approximately 100,000; and the provision of more legal routes into the European Union (Regeringskansliet 2015a).

At the end of 2015, the Swedish government announced that asylum legislation needed to be amended for a limited period and would involve the introduction of a temporary residence permit, limits to the right to family reunification and the tightening of asylum visa maintenance requirements. According to the Swedish government, the aforementioned legislative amendments to asylum policy,

are necessary in the current acute situation, but are not in themselves a long-term way forward. The refugee situation must be handled in a concerted manner within the EU. The Government will therefore continue to advocate a system where all countries, without compromising on individual asylum examination, take a shared responsibility for refugee reception (Regeringskansliet 2015d).
In the first two months of 2016, multiple developments in Europe, including the tightening of border control measures, have demonstrated EU member states’ preferences for keeping asylum seekers out, not protecting them. Despite strong advocacy by the UNHCR to expand legal pathways to allow refugees and asylum seekers to access asylum, many member states have reduced the legal avenues available. In Denmark, restrictive measures on family reunification were imposed in January, with refugees now able to apply for their family to join them only after three years, instead of one. Other countries are contemplating similar or more restrictive legislation at a time where European countries need to improve the legal and secured ways to access family reunion and thereby combat people smuggling (UNHCR 2016b). On 20 July 2016, the Swedish government passed legislation that brought Swedish asylum regulations temporarily into line with the minimum level in EU law and international conventions for a period of 3 years (Migrationsverket 2016d). Despite this temporary shift towards more restrictive policies since November 2015, official asylum policy and discourse in Sweden continues to endorse and enforce norms of international law, humanitarianism and solidarity with asylum seekers (Regeringskansliet 2016a, 2016b).

Rather than emphasize a security agenda for the heightened surveillance and control of the EU’s external borders, the Swedish government has focused on the importance of safeguarding the right to asylum. The Swedish Foreign Affairs Committee has urged EU nations to assume greater responsibility to accept refugees, and increase the opportunities for people to lawfully enter and seek asylum in the EU (Regeringskansliet 2016c). While EU asylum policy can be characterized as becoming increasingly restrictive, mainly aiming to keep people outside the EU territory, Sweden has firmly advocated increased burden-sharing mechanisms among member states, whilst emphasizing the short-term nature of its amended policies intended to relieve an acute situation.
5. The European Court of Human Rights and Treaty-Monitoring Bodies

The Convention for the Protection of Human Rights and Fundamental Freedoms, more commonly known as the “European Convention on Human Rights” (ECHR), is the central human rights law instrument limiting the use of diplomatic assurances against torture in Europe. The ECHR is important both for its broad binding force and for its absolute prohibition of *refoulement* to torture and inhuman or degrading treatment or punishment (IDTP). Article 3 of the Convention codifies the absolute prohibition of torture and IDTP and is interpreted by the ECTHR to prohibit *refoulement* to such treatment. Article 3 is a single declaration: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment” (ECHR). The European Court of Human Rights jurisprudence establishes that this prohibition is absolute under all circumstances. As early as 1978, the Court declared that “there can be no derogation therefrom even in the event of a public emergency threatening the life of the nation” (The Republic of Ireland v. The United Kingdom 1978: 51). Member states’ obligations under Article 3 are not confined to treatment occurring within their borders, for states are prohibited from returning individuals to a place where there are “substantial grounds” for believing that there is a “real risk” that they will suffer torture or IDTP (Soering v. United Kingdom 1989). The presence of norms of international law in regional treaties of which Sweden is a signatory, has affected the Swedish government’s relationship with the courts and other monitoring bodies which perform a watchdog role on the upholding of these norms in both the national political and legal culture of Sweden.

For its part, the European Court of Human Rights (ECtHR) has fostered a regional political culture that offers protection for many asylum seekers from removal, bolstering and extending the Refugee Convention’s *non-refoulement* guarantee. The protection that the ECtHR offers to asylum seekers and refugees is a critical safeguard against the interests of
the state eclipsing the human rights of individuals. The 1990s witnessed important developments in the Convention jurisprudence in this field, and the robust statements of principle made by the Court have made an important contribution to safeguarding the rights of those who are at risk from prohibited treatment in their country of origin (Mole and Meredith 2010). Prevailing inconsistencies among states’ practices, and the divergence between the outlooks of European intergovernmental organizations and certain national governments, accord critical import to the ECtHR’s role in monitoring states’ obligation to protect against, investigate and sanction acts of torture and *refoulement*. In a unanimous Chamber ruling handed down on 15 May 2012, the European Court of Human Rights ruled that the expulsion of an Iranian couple and their child by Sweden would amount to a violation of Article 3 (prohibition of inhuman and/or degrading treatment). The ECtHR concluded that the couple could face persecution not because of their activities before fleeing Iran, but rather because of the high-profile ones carried out after their arrival in Sweden. This recent example reinforces the key role of the ECtHR in monitoring states’ compliance with *jus cogens* norms of the Refugee Convention.

Treaty-monitoring bodies play a key role in this region, unlike in Southeast Asia. In 2001, the Council of Europe strongly condemned the Swedish government for expelling two Egyptian citizens, Ahmed Agiza and Mohammed Alzery, to Egypt under questionable circumstances where they were subsequently tortured (Stern 2014). Agiza and Alzery each brought a complaint against Sweden before the treaty monitoring bodies of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment and the International Covenant on Civil and Political Rights (ICCPR), respectively. The Swedish government was strongly criticized for the expulsions by the Council of Europe, even though neither of the cases has been subject to ECtHR judgments (Stern 2014; Parliamentary Assembly of the Council of Europe 2007; El-Masri v. the Former Yugoslav Republic of Macedonia 2012). In Agiza v. Sweden, the Committee Against Torture found that, due to Egypt’s reputation for torturing detainees held for political and security reasons, Sweden
ought to have known at the time of Agiza’s extradition that he would be at a real risk of torture in Egypt; thus, Sweden had violated Article 3 of the CAT by allowing his removal (Agiza v. Sweden 2005). The Committee also found Sweden in violation of Article 22 of the CAT for initially failing to disclose Agiza’s complaints of ill-treatment to Swedish diplomatic personnel during their first monitoring visit with Agiza in prison (Agiza v. Sweden 2005). The Human Rights Committee was similarly critical in Alzery v. Sweden. Among other violations, the Committee found that Sweden had violated Article 7 of the ICCPR by expelling Alzery to Egypt, as his expulsion exposed him to a real risk of torture or ill treatment (Alzery v. Sweden 2005). Put simply, the human rights treaty-monitoring bodies possess viable means of ensuring or enforcing the compliance of Sweden with its international obligations.

The Swedish government responded with sensitivity and a degree of shame to these criticisms, providing the CAT Committee with follow-up information and comments in respect of both Agiza and Alzery in a 2009 memorandum. Reference was made in the memorandum to the violations that had occurred and the compensatory measures adopted by the government and other parties. Indeed, both Mr. Alzery and Mr. Agiza received damages from the Swedish State in 2008 for the pain and suffering inflicted upon them. Mr. Agiza was granted a residence permit on the grounds of family reunification in 2012. As an indication of the still sensitive nature of this affair, the government has failed to initiate an impartial and independent investigation of all aspects of those violations (Stern 2014: 34). The Swedish government’s sensitivity towards condemnation and criticism in this regard can be attributed to the strength of social democratic norms of human rights, egalitarianism and equality that have established Sweden’s national identity as a generous, inclusive, and tolerant society.
6. Conclusion

While supranational courts and treaty-monitoring bodies exercise the capacity to prompt inclusive political and judicial moves at the national level, Australia and its Southeast Asian neighbours cooperate on issues of asylum within bilateral and multilateral frameworks without any international law enforcing entity. In the absence of a regional court of human rights, the UNHCR and the Australian Human Rights Commission (HRC) have only been able to repeatedly condemn Australia’s detention practice. The practice of states in the Southeast Asian region is generally to grant temporary refuge with minimal rights protection. Rather than advocating the promulgation of international law norms in the region, the Australian government has artfully engaged in incentivized policy transfer to secure the alignment of its poorer neighbours with its deterrent and securitized domestic policies on asylum. As a consequence, the burden-sharing schemes of ASEAN are largely burden-shifting arrangements in practice. While Australia remains internationally accountable for its actions, the absence of a regional court of human rights to hold Australia accountable for violating its obligations under the Refugee Convention, the ICCPR and the CAT, enables the Australian government to breach international law with impunity.

In the European Union, multilateral arrangements on asylum policy have proved useful in establishing minimum standards for the protection of asylum seekers in the region. However, member states’ adoption of exclusionary national asylum policies abound, as governments craft asylum policy based on their different resources, national security concerns, and histories with forced migration movements. While the Swedish government has assumed leadership on asylum policy in the European Union, the Australian government’s capacity to assume a regional leadership role to steer a multilateral, responsibility-sharing arrangement for refugees and asylum seekers has been traded for short-term, bilateral burden-shifting arrangements that violate norms of international law. The most significant differences in the regional contexts of Australia and Sweden are the nature of the regional frameworks used (bilateral vs. multilateral), as well as the presence in Europe of a regional court of human
rights to monitor states’ compliance with their obligations under international law. Although these factors help to account for the differences in national asylum policies in each of these countries, they cannot alone account for the acute levels of securitization experienced in Australia in spite of the much smaller numbers of asylum seekers the country receives compared to Sweden. It is necessary to examine in detail the role of hegemonic norms in the political systems of Australia and Sweden to explain why securitization has occurred in the former but not in the latter.
Chapter 4

Hegemonic Norms and Securitization in Australian Asylum Policy

1. Introduction

In this chapter, I examine how the hegemonic norms about international law prevalent in Australia’s parliamentary system facilitate the securitization of asylum in the country. The principle of non-refoulement constitutes an essential norm of asylum and international refugee protection that Australia violates in its treatment of asylum seekers arriving by boat. The essence of the principle is that a state may not oblige a person to return to a territory where he may be exposed to persecution, and it applies both to persons within a state’s territory and to rejection at its borders. Australia has undertaken to abide by certain jus cogens norms of international law including the non-refoulement obligations under the 1951 Refugee Convention, as well as the prohibition of torture under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The right to be free from torture is a non-derogable right, which cannot be infringed in any circumstances, and constitutes a peremptory norm of international law. Both these norms are violated through Australia’s policies of offshore processing, and the indefinite mandatory detention for all asylum seekers arriving by boat. Indeed, the 1951 Refugee Convention, the ICCPR, and CAT have not been formally incorporated into domestic law through the Migration Act or the Maritime Powers
Act 2013. In this chapter, I argue that exclusionary norms that disregard international law have acquired hegemonic status amongst members of the political elite in Australia, not least because of the absence of these provisions in domestic law.

I first explain the theoretical framework that guides my analysis of securitization speech acts, as performed by governing members of the political elite. The activity of securitizing actors is mediated through the collective agency of the parliamentary audience as members of the hegemonic norm circle. I argue that successful securitization in Australia is reliant on a stable relationship between a securitizing actor of the hegemonic norm circle and the audience of the hegemonic norm circle, based on their mutual endorsement and enforcement of shared exclusionary norms, which are reinforced by ethnic conceptualizations of national identity. In the second section, I analyse a key factor that has contributed to the successful securitization of asylum in Australia, namely, the nature of the political system. Australia’s majoritarian political system is essentially a two-party system characterized by strong majoritarianism, which implies that power is concentrated in the executive. This, in turn, enables dominant exclusionary norms to acquire hegemonic status amongst the political elite. Indeed, the exclusionary norms underlying ethnic nationalism are a significant feature of the political ideology of Australia’s Coalition parties and of the Australian Labor Party. These parties have engaged in the stigmatization of asylum seekers, who are considered to be deviant out-group members and are therefore excluded from the *demos*. Successive Australian governments, whether Labor or Coalition, have privileged ethnic national identities and mobilized xenophobic sentiments towards asylum seekers in order to legitimize their Draconian asylum policies. I examine this in the third section of the chapter. An ethnic national identity, which has been mobilized through populist discourse, has contributed to the hegemonic status in the Australian parliament of exclusionary norms that disregard norms of international law. In the fourth section, I discuss the dominance of the hegemonic norm circle in the Australian parliament. The parliament is structured as a field of asymmetrical power-relations, consisting of political actors and groups that wield in-group
 stigma *transformatively* as members of the norm circle of resistance (NCR), or *preservatively* as members of the hegemonic norm circle (HNC). The Australian Greens are members of the NCR, while the Australian Labor Party has been part of both the NCR and the HNC, which is dominated by the Liberal-National Coalition.

2. The Australian Political System

The Liberal-National Coalition and most members of the Labor Party constitute the HNC in parliament where exclusionary norms that violate norms of international law are endorsed and enforced. The NCR in the Australian parliament is constituted largely by members of the Australian Greens, who advocate the implementation of norms of international law in Australian asylum policy. The NCR has occasionally been also constituted, albeit not consistently, by members of the Labor Party. Kevin Rudd, for example, initially endorsed norms of international law as a member of the NCR but subsequently abandoned them for securitization as part of the HNC. By straddling two norm circles, Labor politicians find themselves stuck in a double bind. They experience a political contradiction in that, seeking to use transformative agency and advocate humanitarian asylum policies, they find themselves simultaneously complicit in the reproduction of security discourses and practice.

In 2016, several Labor MPs including Melissa Parke (now retired), Lisa Singh, Jill Hall and Sue Lines opposed the Labor Party’s endorsement of securitized asylum policies, perpetuating the rift between proponents of human rights and advocates of securitization within the Labor Party (Massola 2016a). The party has experienced in-group stigmatization by politicians from both the Left and the Right, who denigrate them for not doing enough for asylum seekers in the way of human rights (the Australian Greens), and for doing too little in the way of securing Australia’s borders (the Liberal-National Coalition). The result of the Labor Party being wedged by the Liberal-National Coalition on asylum policy is a stable bipartisanship on exclusionary asylum policies that enables the successful securitization of asylum to endure in Australia.
2.1 Wedge Politics and Majoritarianism

The term “wedge politics” refers to the manipulation of stigmatized social issues or groups, including asylum seekers and the politics of race, as a way of re-defining mainstream politics and linking political opponents to their support of these issues or groups (Wilson and Turnbull 2001; Ward 2002). The Howard Government, which came to power in 1996, aggressively pursued wedge politics with particular effect in race politics, asylum issues and social welfare continuously until the 2007 election campaign (Markus, Jupp and McDonald 2010). Similarly, during the lead up to the 2010 federal election, the issue of asylum was used to split the Labor Party. In April 2010, Labor Party leader Kevin Rudd, who had been attacked by the Liberal-National Coalition, ceased advocating humanitarian policies. Julia Gillard, who deposed Rudd as Labor Party leader in June 2010, used the Coalition’s rhetoric to undermine Rudd’s positional power. Finally, the Labor government responded by reviving offshore processing of asylum seekers in 2012, a practice the conservative Howard Government had undertaken in Nauru – the Pacific Solution – that Labor earlier rejected. This has enraged part of Labor’s support base comprising middle-class progressives who want an end to both offshore processing and mandatory detention, particularly of children.

Howard’s brand of securitizing speech acts appealed to an audience’s accumulated set of dispositions, in this case, ones heavily informed by racist bigotry. Howard had adapted the xenophobia and the rejection of multiculturalism underpinning One Nation’s platform and capitalized on the events of September 11 to securitize the issue of asylum. The Howard government’s (1996-2007) hardline agenda on ‘unlawful boat arrivals’ of asylum seekers reached a climax when it refused a request from the captain of the Norwegian ship MV Tampa to enter Australian waters and disembark 433 asylum seekers who had been rescued from their sinking ship (Marr and Wilkinson 2003). For two years, the Howard government had been moving towards a harder line on such boat arrivals. For Howard, the Tampa represented the ultimate test of his will to assert Australian sovereignty as well as the
strength of his own leadership on the eve of an election campaign in which he was convinced that tough leadership would score him votes over Labor Opposition leader, Kim Beazley.

Howard successfully securitized the issue of asylum with the support of Kim Beazley, who was a victim of the Howard government’s premeditated, hardline and calculated course of action, which sought to drive a wedge between conservative blue-collar and progressive middle-class Labor Party supporters. Following Howard’s dramatic statement in Parliament on 29 August 2001 saying that he had ordered an SAS recruitment to take control of the *Tampa*, Beazley rose to offer full endorsement of Howard’s decision to securitize the issue: given the situation, he said, “this country and this Parliament do not need a carping Opposition” (Commonwealth of Australia 2001a: 30518). Beazley’s concern was for the military personnel involved, not the asylum seekers, and he pledged that the task of the Opposition was to “understand the difficult circumstances” facing the government (Commonwealth of Australia 2001a: 30518).

The deployment of military troops to transfer asylum seekers breached international law through the disregard of *jus cogens* norms of *non-refoulement* and the prohibition of torture. On 29 August 2001, Howard introduced an extraordinary bill called the Border Protection Bill, which was designed to validate retrospectively the securitization moves involving military action that were taken against the *Tampa* and the ship’s intended removal from territorial waters (Parliament of Australia 2001). The bill authorized Australian personnel to remove such vessels from territorial waters, to board them, to remove asylum seekers, and to make forcible arrests and necessary action against any attempt to resist. Under the bill, all such actions would be excluded from challenge in any Australian court and any asylum seekers involved would be denied refugee status. These legislative powers had general application and were not *Tampa*-specific.

Howard’s use of wedge politics to stoke voters’ fears about asylum seekers resulted in a tactical split over the border protection regime. Labor opposed the extraordinary bill on the
grounds that it was an unjustifiable reason for securitization. Labor was particularly opposed
to the clause 10 of the act, which called for the overriding of all law, and the subsequent
securitization of asylum despite the fact that the issue did not pose “a possible threat to the
security of the nation” or legitimate the use of the military “to save social cohesion”
(Commonwealth of Australia 2001b: 30680-1). Beazley claimed that the bill was “of the
most draconian internal content,” crafted presumably to pursue “an electoral opportunity”
that breached Australia’s international obligations towards asylum seekers (Commonwealth

Although Beazley had merit on his side, he lost credibility due to Howard’s successful
depiction of Labor as vacillating in the polarizing climate he had engendered. On 20
September 2001, a modified bill was introduced by the Howard government, in vindication
of the Labor Party’s opposition and was passed. While the Australian Labor Party has
traditionally relied upon the support of its working-class constituency, it also requires the
support of educated and suburban middle-class voters to build a winning coalition of voters.

In the wake of the Labor Party’s 2001 federal election defeat, former Labor MP Lindsay
Tanner acknowledged that “binding these constituencies together” had been a challenge.
Indeed, in the run-up to the 2001 federal election, the Labor Party was unable to find a theme
or political message to “hold together [the] increasingly divergent interests” of its middle-
and working-class constituencies (Tanner 2001: 13). This allowed Howard to exploit the
growing division in Labor’s support base between traditional working-class and educated
middle-class voters (Tanner 2001: 13). The Tampa crisis offered a timely opportunity for the
Liberal-National Coalition government to focus attention on the illegal immigration of ‘boat
people’, and thereby drive a wedge between the coalition of interests on which the Labor
Party relied. The Labor Party bled members and votes at the 2001 election, but more
significantly, Australia lost the voice of a major opposition party to refute the hysteria that
drove the Tampa election, which had implications for subsequent episodes of hysteria that
have driven offshore processing policies and the most recent Coalition-led mission to “stop the boats”. As Christos Tsiolkas (2013: 24) contends,

if Beazley had stood his ground,…then Labor would have consolidated itself as a genuine social democratic party.

The Labor Party was, however, the victim of the Liberal-National Coalition’s exercise of wedge politics. As the political scientist Shaun Wilson writes, wedge politics “involves a political party stirring up populist feeling about an issue or minority group and then tagging its political opponent with support for that unpopular cause or group” (Wilson 2001: 14). In the wake of the *Tampa* affair, the Labor Party’s bipartisan support on asylum policy was induced through its fear of endorsing norms of international law, and thereby losing the popular vote on a securitized issue.

By a quirk of the 2010 general election result, Australia ended up with a hung parliament, whereby neither major party holds a majority in their own right. In this situation, there was a need for the cross bench (the unaligned independents or minor parties) to become involved in the determination of a government. The result of the 2010 election was 72 Liberal/National MPs, 72 Australian Labor Party MPs and 6 cross bench MPs (1 Green, 1 Western Australian National Party and 4 Independents) with a target of 76 to be able to form a Government. The Independent WA National and the Independent Member for Kennedy supported the Coalition, giving them 74 votes. The Greens Member for Melbourne and the Independent Member for Denison supported the Labor Party giving them 74 votes. It became clear that the votes of Tony Windsor and Rob Oakeshott would be critical to the formation of Government. Windsor and Oakeshott offered their support, limited to only confidence and supply, to Labor. Yet, even in the situation of a hung parliament, where the involvement of independents and other small parties was crucial in securing a majority government, the inclusion of these independents did not influence asylum policy development in alignment with norms of international law. Rather, the Windsor-Oakeshott alignment with Gillard Labor government and their subsequent support for Labor’s ‘Malaysia Swap’ arrangement
inadvertently led to the reproduction of Howard’s draconian asylum policy regime – one based on deterrence and disregard of *jus cogens* norms of *non-refoulement* and the prohibition of torture, amongst others.

In February 2012, Oakeshott introduced a private member’s bill to allow the Australian Minister of Immigration to authorize sending asylum seekers to any country that is part of the Bali Process. In June 2012, following the sinking of two asylum seeker boats in the Indian Ocean within a week that resulted in significant loss of life, the bill, along with an amendment by independent MP Andrew Wilkie to make the legislation valid only for 12 months, was passed in the House of Representatives with the support of government members and independents (Ireland 2012). The alignment of Coalition parties, the Labor Party and independents on the normative endorsement and enforcement of exclusionary asylum policies in the Australian parliament facilitated the application of out-group stigma directed at asylum seekers, and allowed the construction of asylum seekers as an existential threat to remain predominantly unchallenged in parliament.

When the Labor government came to power in 2007, it first developed asylum policy based on a humanitarian agenda, shifting the rhetoric from “stopping the boats” to “saving lives at sea” (McAdam 2013). Ultimately, however, it adopted many of the same draconian policies as the Howard government, despite promises that it would never replicate them because of their inhumanity, illegality and ineffectiveness. In August 2012, Julia Gillard’s Labor government reinvigorated Howard’s Pacific Solution by opening processing centres in Nauru and PNG after the ‘Malaysia Swap’ arrangement was rejected by the High Court of Australia. The idea was that the inferior conditions there, lack of legal advice and review mechanisms, and delayed resettlement (around five years) would deter asylum seekers from getting on boats. Because the policy failed to work, the government took it a step further. Announcing a “new offshore processing policy” in July 2013, newly returned Prime Minister Kevin Rudd stated: “Asylum seekers who come here by boat without a visa will never be settled in Australia” (Hall and Swan 2013). The Coalition countered by declaring that it
would not go that far, recalling that previous Coalition-led attempts to get other countries to resettled Australian refugees had largely failed under the first Pacific Solution. Leading with the Howard-government mantra “this is our country and we determine who comes here,” Tony Abbott, the then Opposition Leader, announced other disincentives (Hall and Ireland 2013). Having won the federal election on 7 September 2013, Prime Minister Abbott began to implement these under a military-led policy entitled ‘Operation Sovereign Borders’.

By 2015, Bill Shorten, the Labor Party leader, affirmed the Labor Party’s ideological affinity with the Coalition government on deterrence as a basis for asylum policies. At the Australian Labor Party’s national conference, he articulated Labor’s policy convergence with Abbott’s reassertion of Howard’s harsh asylum policy:

If I want to be the leader of this nation, I’ve got to be able to face the truth. And the truth for me is that if we have policies in place, which give sustenance and support to people smugglers to exploit vulnerable people, where they put these vulnerable people on unsafe boats and then people drown at sea, I can’t support any policies that do that (Borrello 2015).

In the words of Paul Power from the Refugee Council of Australia, Shorten’s clear decision to converge with Prime Minister Tony Abbott’s Coalition-led turn back the boats policy, “pander[ed] to the politics of fear” (Borrello 2015).

2.2 Majoritarianism in the Australian Parliament

Strong majoritarianism has made it easy for Australian governments to pass anti-asylum legislation, at times even without bipartisan support. Two of the most draconian pieces of asylum legislation ever to be introduced into the Australian parliament were passed narrowly by the Senate, namely, the Migration and Maritime Powers Amendment Legislation (Resolving the Asylum Legacy Caseload) Bill 2014 and the Migration Amendment (Protection and Other Measures) Bill 2014. The amendments were criticised and rejected by politicians from the Labor, Greens and Palmer United parties, as well as several independent
MPs. Arguably, the most significant and the most serious consequences of the bills have been violations Australia’s non-refoulement obligations under international law when exercising powers under the *Maritime Powers Act* and when removing non-citizens from Australia under existing section 198 of the *Migration Act*. These changes are extremely important because they significantly broaden the maritime enforcement powers used to intercept and return vessels carrying asylum seekers. The Migration and Maritime Powers Amendment Legislation (Resolving the Asylum Legacy Caseload) Bill enables the government to exercise a range of powers under the *Maritime Powers Act*, even if the exercise of such powers is inconsistent with Australia’s international obligations and without regard to the domestic laws or international obligations of any other country (presumably the receiving country), and limits parliamentary oversight of heightened discretionary powers vested in the Minister of Immigration, and further curtails the courts’ ability to scrutinise domestic law in light of international law (McAdam 2013; Parliament of Australia 2014). These amendments to the *Migration Act* 1958 clarify that asylum seekers who have previously been refused a protection visa, or who held a protection visa that was cancelled, are prohibited from applying for a further protection visa. Furthermore, any applicant who is not assessed by the Australian Security Intelligence Organization will be deemed to be a security risk. The criminalization of asylum seekers thus occurs by default of their mode of arrival. In spite of significant breaches of international law that the passing of the legislation would entail, the Liberal-National Coalition government established an agreement with crossbench Senators, namely, the Palmer United Party and Ricky Muir from the Motoring Enthusiasts Party (Whyte 2014). Indeed, Australia’s tradition of strong second chambers at state and federal levels has granted the Senate substantial power to modify and pass, or reject legislation, but rarely has this power been used to protect asylum seekers.

In the presence of strong majoritarianism, the Australian parliament is constrained in its capacity to hold the executive in check on matters of asylum policy (Gyngell and Wesley 2007). Uncontested and draconian policies on asylum are almost entirely the result of
bipartisanship within Australia’s two-party system. Strong majoritarianism means that in Australia, the radical transformation of the hegemonic norm circle is required to produce major change on asylum policy. Such change would involve the tighter integration of human rights norms of international law in Australian asylum policy, but this is critically undermined by the dominance of the executive within a majoritarian electoral system. By contrast in Sweden, a bare coalition bloc, comprising a single-house majority, would normally be sufficient to override any legislation that contravenes dominant norms of international law in Swedish asylum policy.

3. Ethnic Nationalism

In Australia, securitization speech acts have achieved electoral success by conceptualizing the ‘Other’ as the enemy of ‘the people’. Populist rhetoric based on ethnic conceptualizations of national identity has been used successfully to achieve conservative political change (Snow and Moffitt 2012). In securitization discourse, the ‘Other’ is linked to Taggart’s conception of “the heartland”, which can be understood as “a territory of the imagination... an evocation of that life and those qualities worth defending... that place, embodying the positive aspects of everyday life” (Taggart 2000: 95). During the Howard era, asylum seekers were the stigmatized other; the Gillard government marked an expansion of ‘Other’-ness to encompass the stigmatization of people smugglers.

In Australia, discourses on who should or should not belong to the demos are predominantly shaped by the nation’s history of racial exclusion and subordination. The discourse on belonging that privileges ethnic nationalism through the maintenance of a white and monocultural nation has its origins in colonization. The colonial period was characterized by the development of a New Britannia, “a white, Christian nation that remained attached to its colonial motherland” (Zannettino 2012: 1108). As Zannettino describes,
This undertaking was based on the eradication and dispossession of Australia’s indigenous peoples as well as the brutal treatment of non-European immigrants, particularly the Chinese who arrived in Australia in relatively large numbers during the gold rush era. These practices of dispossession and brutality were justified through the invocation of social Darwinist ideologies, which promulgated the superior of the white race (Zannettino 2012: 1108).

Before mandatory detention was introduced in 1992, Justice Michael Kirby observed that the legacy of White Australia remained significant. He stated that it partly stemmed from Australia’s colonial history, whereby national identity was formulated on the convict nation’s sense of inferiority to a superior colonial empire. In exerting white supremacy over coloured Aboriginal Australians, who were perceived as threats to a fragile national self-image, the “transplanted convict community” consolidated its identity – a white national identity (Kirby 1991: 526). Kirby linked the lack of reflexive criticality in the ranks of Australia’s political elite, and their disinclination to question the exclusionary norms on asylum policy, to the latent fear of stigma and suspicion that might be experienced as a consequence of questioning the validity of such norms. He argued,

Our self-image was one of a transplanted convict community that was second-rate. Second-chosen after West Africa as the penal colony for England, second-chosen to the American colonies when they seized their independence. Second-best for the English people who always longed to return home. Second-rate in terms of the British Empire, whose apogee was approaching and whose centre was indubitably in London. Only strong in that we were white, surrounded by a cesspool of coloured people who were always threatening to take us over. If this was ever questioned, the questioner was looked upon with suspicion (Kirby 1991: 526).

In 1901, the newly federated Australian parliament introduced the Immigration Restriction Act, a mechanism that marked the beginning of the White Australia Policy, which lasted until the early 1970s. In 1901, citizens and non-citizens were categorized into four distinct classes comprising British subjects (born or naturalized) of European origin; aliens of
European origin; non-Europeans; and Aborigines (Jupp 2001). The ordering of these categories puts British subjects at the top and Indigenous Australians at the bottom. The latter reflects the act of ‘Othering’ whereby Aborigines were perceived as an inferior race, although they were not seen as a direct threat to the racial purity or social cohesiveness and ‘Britishness’ of Australian society as they were comparatively few and declining in numbers, unlike the non-Europeans who were kept out on the grounds of racism (Jupp 2001). Although the White Australia policy was gradually dismantled from 1966, racial categories were removed from Australia’s migration policy only by the Whitlam Government in the 1970s.

‘Otherness’ has subsequently been targeted by various political parties, such as Pauline Hanson’s One Nation Party (established in 1997), which influenced the long-standing Howard government (1996-2007). Hanson mobilized the language of exclusion, dividing the Australian demos into ‘us’ and them’, ‘us’ being the in-group of mainstream Australians, and ‘them’ being the out-group of Aboriginals and ‘Asians’. ‘Asians’ was a catchword embracing Australians from a range of ethnicities and also foreign countries, used to questioning whether they belonged to Australia. She contended,

I’m not against Asians... but if you have too many of one race coming into Australia, it can upset your makeup and your culture (quoted by Clyne 2005: 178).

In raising such concerns about Australian national identity, both Hanson and Howard have played an instrumental role in creating a division between Anglo-Saxon Australians and non-Anglo-Saxon Australia, where the notion of ethnicity or race delineates the community.

### 3.1 Ethnic Nationalism under Howard’s Asylum Policies

Between 1996 and 2007, the Howard Government used racism to sustain its popularity. From the late 1990s, the primary victims of racist campaigns against immigrants were asylum seekers arriving by boat. Howard’s Coalition government built on their Labor
predecessor’s policy of locking up asylum seekers who had arrived by boat in detention centres. Particularly from 1999, the Howard government demonized such asylum seekers, including children, and generated a moral panic about them, thereby legitimizing policies that reduced their rights under international law (Poynting 2002). Under the new regime, asylum seekers’ eligibility for Permanent Residence Visas gave way to three-year Temporary Protection Visas (TPVs), which prevented asylum seekers from legally leaving and re-entering Australia. The Liberal Party’s own polling identified the appeal of racism in Australia. The party used this knowledge by employing racist themes to increase its own popularity. As Marr and Wilkinson (2003: 175) note,

In his first term [Howard] targeted voters resentful of Aborigines. As his second term ended, he was pursuing voters who feared their country was being invaded by Muslim boat people.

In the process, his Government promoted fears of such an invasion. The *Tampa* and ‘children overboard’ affairs were key episodes in the Coalition’s strategy for the 2001 election. The government prevented refugees, picked up from a small boat sinking in the Indian Ocean by the Norwegian freighter *Tampa*, from reaching Australian territory and transferred them to Nauru. Shortly before the election, Howard and his ministers falsely claimed that asylum seekers on another boat had threatened to throw their children into the sea if a nearby Australian naval vessel didn’t pick them up, when in fact they were signalling for help because their boat was sinking. In parliamentary debates, these asylum seekers were established by politicians from both major parties as “queue jumpers”, “illegals” and “illegal arrivals” (Commonwealth of Australia 2001a: 30516-30586). Attributing these characteristics to asylum seekers enabled and legitimized the Howard government to respond with exceptional measures, and securitize the issue. The Minister for Citizenship and Multicultural Affairs, Gary Hardgrave, described the asylum seekers as follows:

The people on board *MV Tampa* are not refugees, they are occasional tourists, who have contracted criminal elements or crime gangs who are often involved in the
transportation of drugs to our shores... It is offensive to those who are genuine refugees who have come to this country and experienced the generosity that this nation has without a doubt offered them (Commonwealth of Australia 2001b: 30703).

During the public discussion of the ‘children overboard affair’, Howard declared that, “genuine refugees don’t do that” (Marr and Wilkinson 2003: 186-7). This enabled him to exclude and stigmatize asylum seekers: “I certainly don’t want people of that type in Australia,” insinuating that the ‘type’ he was referring to consisted primarily of unsavoury, ‘illegal’ asylum seekers from the Middle East and Afghanistan (Mares 2002: 135). The statement is reminiscent of Pauline Hanson’s earlier equally exclusionary “[w]e don’t want them here”, except that Hanson was speaking in the first person plural on behalf of Australia while Howard was showing his ‘leadership’ using the first person singular. In utilizing ethnic nationalist sentiment as a platform for accruing political capital, Howard leveraged the asylum issue for electoral advantage. This anti-asylum sentiment, based on an Anglo-Saxon white imaginary, was echoed by Foreign Minister Alexander Downer, who implied that the asylum seekers hadn’t reached the stage of civilization to be permitted to live in Australia, saying: “Any civilized person wouldn’t dream of treating their own children that way” (Clyne 2005: 184). At the time of the election, Liberal focus groups detected a dominant ethnic nationalist sentiment amongst voters in western Sydney that associated male asylum seekers arriving by boat as “illegals” and “queue jumpers” who formed “street gangs” and were guilty of “raping white girls” (Atkins 2002: 152; Ward 2002).

The 9/11 terrorist attacks took place in the lead-up to the 2001 Australian federal election, presenting the perfect opportunity for the government to intensify public anxiety and promote its own ability to defend the country. The events of 9/11 fuelled discussion of terrorism in the media that invoked anti-Arab and anti-Muslim hysteria, with Ministers blatantly identifying refugees as potential terrorist threats (Poynting et al. 2004). McAllister and Moore (1989) had previously identified that racial prejudice in Australia was strongest against Muslims and very high against Lebanese (McAllister and Moore 1989). As Collins
(2009: 35) argues, Anti-Arab hostility was fuelled by “years of media and political rhetoric about Middle Eastern crime and youth gangs in Sydney”, and the Australian government’s exploitation of increasing public concerns about Middle-Eastern asylum seekers arriving by boat (Dunn et al. 2004: 22). In 2001, expanding Islamophobia was followed by an upsurge in attacks against Muslims and Arabs, with two thirds of the Muslims with a Middle Eastern background experiencing more racism after the terrorist attacks (Poynting et al. 2004: 215). While the discourse of racism and moral panic elicited dire consequences for Muslims in Australia, it ultimately served the Howard government’s purpose; despite depressed economic growth, the Howard’s Coalition government won the election on 10 November 2001 (Marr and Wilkinson 2003: 277). The intimate relationship between xenophobia and fear-mongering used to serve the short-term electoral interests of political actors has played a key role in privileging exclusionary norms in Australia’s national political culture, and in national asylum policies.

After the events of September 11, 2001 the focus increasingly shifted to Muslims and Arabs, who were more explicitly targeted from 2005 (Kuhn 2009: 53). Attacking asylum seekers, who arrived by boat and came mainly from the Middle East and Afghanistan, tapped into and reinforced anti-Arab and anti-Muslim racism. The government encouraged racism towards Arabs and Muslims, without being explicit, and even denying racist intent. Such a strategy is a convenient one to inspire fear of discord and disharmony as the dominance of the majority ethnic group – the white Australian – falls under threat. The exception here is “immigrants who are of the same ethnic stock as the dominant group in the ethnic nation” (Shulman 2002: 562). With the initial decline of Pauline Hanson’s One Nation Party after the 1998 federal election (Gibson, McAllister and Swenson 2002: 838), the Liberals’ broadened their electoral appeal by drawing on anti-Muslim and anti-Arab rhetoric: the implied association between asylum seekers of Muslim or Arab descent and terrorism was used to send a message of support to voters with racist leanings.
3.2. Ethnic Nationalism under Gillard’s Asylum Policies

Between 2010 and 2013, Julia Gillard’s Labor government replaced asylum seekers with people smugglers as the overtly criminalized and demonized ‘Other’. This allowed the Gillard government to channel negative sentiment towards boat arrivals, yet distinguish Labor’s rhetoric from that of the Coalition. In her discourse following the Australian High Court’s disallowal of the ‘Malaysia Arrangement’, Gillard deliberately framed ‘boats’ as the problem, rather than the asylum seekers:

I believe it is very important, if we do see more boats, to separate in the community’s mind, in all of our minds, the problem of seeing more boats from the people who are on those boats. It is not in my mind a question of blaming the people who are on those boats (Gillard and Bowen 2011: 5).

At the same time, Gillard made fervent attempts to appeal to mainstream, ethnic nationalist sentiment in Australia, and the national anxiety that has come to characterize Australia’s negative perception of boat people. She accepted the communal anxiety: “we are at a real risk of seeing more boats, and I understand that will cause community anxiety” (Gillard and Bowen 2011: 2). This served to legitimize the view that asylum seekers arriving by boat were a threat or cause for fear. The Gillard government’s allusions to the presence of an “orderly queue” that asylum seekers should join resonated with and fed populist resentment of asylum seekers arriving by boat. Gillard took particular pride in advocating that the ‘Malaysia Arrangement’ sent the message: “if you arrive in Australian waters and are taken to Malaysia you will go to the back of the queue” (Gillard 2011a: 2). They would also “take their place alongside 90,000 asylum seekers and they will wait their turn” (Gillard 2011a: 2). Despite the absence of a so-called queue, the government’s rhetoric resonated with notions of fairness and implied that asylum seekers who arrive by boat were less deserving of protection than those “waiting” in the “queue”. Unlike boat people, those refugees in Malaysia had “waited often for many years to get a chance at a new life and a new start in a country like Australia” (Gillard 2011b: 1). Furthermore, the juxtaposition of the terms
“genuine refugees” and “irregular arrivals” served to stigmatize boat arrivals of asylum seekers, expounding on their un-worthiness and encouraging antipathy to their cause (McKenzie and Hasmath 2013: 421). This marked the convergence of Labor’s approach to boat people with that of the Coalition under the Howard government. For both parties, the stigmatization of asylum seekers, who were presented as threatening Australia’s cultural identity, was paramount – regardless of the party in power.

A majority of boat people seeking asylum during the term of the Gillard government (June 2010-June 2013) were from Afghanistan and Iran (UNCHR 2012; UNHCR 2014a). During this time, the Labor Party progressed the discourse on ‘Other’-ness by establishing these boat arrivals as undeserving of protection vis-à-vis other refugees (Slattery 2003; McLeary 2011). In addition to classifying boat people as illegals under domestic law, the Gillard government argued that by jumping the ‘queue’, these asylum seekers of predominantly Middle Eastern background allegedly denied the more needy asylum seekers a place in Australia. For Gillard, asylum seekers arriving by boat would not receive an “inside track to special privileges”, and more pertinently, would not be allowed to “buy their way into Australia” (Gillard 2010a). Through judgements of their worthlessness and their illegality, asylum seekers arriving by boat remained stigmatized under Gillard.

### 3.3 Ethnic Nationalism under Abbott’s Asylum Policies

Former Prime Minister and Liberal-National Coalition leader, Tony Abbott, based his 2013 election campaign partly on the success of his predecessor John Howard’s ethnocentric ostracization of the ‘Other’. Abbott’s invocation of fear was used to construct his government as waging a war on boats. His strategy was to demonize people smugglers whilst obliterating asylum seekers from the public eye. Violations of the *jus cogens* norms of international law would be justified through the same brand of ethnic nationalism used by Howard, except that the invisibility (and subsequent dehumanization) of the asylum seeker would be the key to winning an election campaign featuring border protection and ‘stopping
the boats’. Abbott likened the situation to a war, and shrouded his government’s operations in secrecy, declining to give details about the government’s strategies. He argued that,

We are in a fierce contest with these people smugglers and if we were at war we wouldn't be giving out information that is of use to the enemy... I’ll be accountable to the Australian public at the next election – they expect us to stop the boats and that's what we are doing (Scarr 2014).

In 2013, Australia received the largest number of asylum seekers from Afghanistan, Iran, Iraq and Sri Lanka (Australian Government 2014b: 18), and criminalized these individuals on an ethnic calculus that equated them to unauthorized invaders who needed to be stopped. 51,637 asylum seekers arrived by boat in Australia between 2009 and 2013, a wave larger than any previous cohort (Philips and Spinks 2013: 45). The asylum seekers were predominantly from southeast and south Asia (including significant numbers of Tamils from Sri Lanka), Africa, Afghanistan, and the Middle East (Australian Government 2015: 62).

Tony Abbott led Operation Sovereign Borders (OSB) in the war against boats and illegal ‘others’ of non-Anglo-Saxon descent. The high prevalence of male asylum seekers from Afghanistan, Iran, Iraq and Pakistan being interdicted en route to Australia, and transferred to detention centres in Nauru and Papua New Guinea, lent political credence to the systemic distrust of the illegitimate, non-Anglo Saxon ‘Other’. Operation Sovereign Borders’ commitment to turning back the boats continues to place Australia at risk of breaching its obligations of non-refoulement under the Refugee Convention and human rights law. The Australian Navy’s lack of clear guidelines and processes to identify refugees intensifies the risk of refoulement (McAdam 2013). The significant risk that such a policy undertakes with the lives of the asylum seekers on the boats is immeasurable – indeed, there is never a safe point to turn back boats. Under the Howard government, seventeen boats were intercepted but only five were turned around due to the life-threatening risks of the exercise (Parliament of Australia 2006). However, the Liberal-National Coalition government has remained undeterred in its quest to stigmatize boat people.
In 2013, the Liberal-National Coalition government continued the marginalization and stigmatization of asylum seekers arriving onshore through the reintroduction of Temporary Protection Visas (TPVs). Any refugees who arrived by boat and who are eventually resettled in Australia, as well as any boat arrival already in Australia awaiting the determination of their claim, would be eligible only for temporary protection (The Liberal Party of Australia 2013). The Australian TPV regime means that refugees who arrive by boat will never be allowed to settle permanently in Australia or be eligible for family reunification rights. These individuals will have to have their status reassessed every few years, and thus will never fully belong to Australia. No other country uses temporary protection in this way (McAdam 2013). To further exclude and diminish asylum seekers, the Abbott government cut legal aid assistance for asylum seekers who arrived by boat (Nightingale 2013). Legal aid assistance is required to ensure fairness, instil public confidence in the way that justice is administered, and eliminate barriers that impede access to justice for those unable to afford legal representation (UN Human Rights Council 2013). Without legal assistance, there is a real risk that asylum seekers will be sent back to persecution and serious forms of harm, such as torture and death. Under the Abbott government’s new ‘fast-track’ refugee determination process, asylum seekers have been placed at greater risk of being returned to danger, persecution, torture and death in their countries of origin. The Abbott government also removed appeal rights to the Refugee Review Tribunal (RRT) – the independent body that reviews decisions made by government officials to determine whether or not people are refugees – for asylum seekers given a negative assessment under the fast-track process (Ockenden 2013). Removing appeal rights to the RRT has meant that a life or death decision about a person’s refugee status would be made without any opportunity for review, regardless of the fairness and accuracy of the proceedings. The cumulative removal of these rights erodes the dignity of asylum seekers and any agency they may have been ascribed under international law, thereby dehumanizing them. Under these legislative amendments, asylum seekers who do comply with the government’s draconian policies are degraded to the status of “abjects”, that is, “those who do not enjoy the status of the subject” and who do not
qualify as being fully human (Butler 1993: 3). The return of 41 ethnic Tamil asylum seekers to Sri Lanka in July 2014, after they were subjected to an inadequate screening process conducted at sea, risked excluding those with legitimate claims for protection (Kaldor Centre for International Refugee Law 2015: 1-2). The screening process, which has been applied to all boat arrivals from Sri Lanka since 2012, does not protect asylum seekers from refoulement in accordance with Australia’s obligations under the Refugee Convention, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the Convention Against Torture (Australian Human Rights Commission 2013).

4. The Hegemonic Norm Circle in the Australian Parliament

In the Australian parliament, securitizing actors and members of parliament who accept, endorse and enforce the securitization of asylum hold the majority of positions of political power. Furthermore, the absence of a major, countervailing opposition able to prevent the Australian government from breaching its obligations under international refugee law makes it easy for a Prime Minister to utilize his positional power to successfully securitize asylum. Political leaders of both the Labor and the Coalition governments have securitized the issue of asylum since 2001, albeit with different subjects identified as the primary threat. This has had varying impacts on the stigmatization of asylum seekers, ranging from their demonization and criminalization to their ostracization to the point of invisibility. These securitizing actors speak of security on behalf of some larger community, such as the state or nation. The Copenhagen School refers to this entity as the “referent object” that is “seen to be existentially threatened” and which has “a legitimate claim to survival” (Buzan, Wæver and de Wilde 1998: 36).

Although the Australian Labour Party has largely agreed with the Liberal-National Coalition on asylum policy since 2001, it has on occasions attempted to deviate from its bipartisan consensus with the Coalition on exclusionary, deterrent-based asylum policies. Members of
both the Liberal-National Coalition and the Australian Labor Party constitute the hegemonic norm circle (HNC) in parliament. The HNC in Australia endorses and enforces exclusionary norms on asylum policy. However, the Australian Labor Party has, at times, unsuccessfully attempted to simultaneously be part of a norm circle of resistance (NCR) in conjunction with the Australian Greens, endorsing and enforcing norms of international law and human rights. Political contradictions thus exist in the Australian Labor Party over asylum policy such that political actors of the Labor Party are placed in the situation of a double bind. The internal contradiction occurs as a ‘double bind’ when the political actor is blocked from operating within one system rule or principle (e.g. exclusionary norms about asylum seekers), because it is performing with another, alternative system rule or principle (norms of international law).

This contradiction may be understood as follows: Australia’s political elite has historically reproduced exclusionary policies and security discourses based on conceptualizations of ethnic national identity, stigmatizing asylum seekers as the ‘out-group’, and marginalizing any member of the ‘in-group’ that deviates from these exclusionary norms. For the purposes of this study, the in-group will refer to all members of parliament, as representatives of the demos. The out-group refers to the non-citizen, in this case, the asylum seeker. In the sense given by Pierre Bourdieu (2011), major parties in the Australian parliament structurally reproduce stigma as a forms of political capital and political power through the construction of the asylum seeker as the criminal ‘Other’ and the alien. Yet, the Australian parliament is also a site of struggle for transformation. By transformation, I refer to the transition from the oppressive hegemony of major parties on the issue of asylum and its securitization, towards empowering, humanitarian policies for asylum seekers in keeping with norms of human rights as well as Australia’s obligations under international law. A contradiction arises insofar as these twin imperatives appear incompatible – it is contradictory to simultaneously advocate humanitarian asylum policies while endorsing an exclusionary parliamentary milieu. In other words, it is not possible for a politician to both transform and preserve
hegemonic political norms on asylum policy at the same time. The purpose of illustrating this policy ambivalence here is to show how it is lived on the political stage by the some members of the Labor Party in government, as a “lived experience” (Harvie 2006: 12) of contradiction; one which is unable to circumvent the securitization speech acts enforced and endorsed by hegemonic norm circles of Australia’s political elite.

In 2007, the Rudd Labor Party, belonging to both the HNC and the NCR in parliament, endorsed and enforced human rights norms under international law through its asylum policies. As a member of the NCR, it attempted to transform the power relations underpinning asylum policy. By denigrating the Liberals for their exercise of an inhumane and wasteful asylum policy, the Rudd Labor Party used in-group stigma transformationally to erode the positional power of securitizing actors, in an attempt to de-securitize the issue of asylum. In-group stigma, directed at securitizing actors of the Liberal Party, featured strongly in the tenure of the 2007 Rudd Labor government and served to (1) undermine securitizing agents’ positional power, and (2) to dissuade the audience (i.e. the Labor parliamentarians of the HNC who experience the party’s policy ambivalence) from accepting securitization speech acts, thereby constraining securitization moves on asylum policy. However, in the lead-up to the 2010 and 2013 elections, the power of the HNC, to which the Labor Party is attached, ultimately prevailed. Responding to the allocation of in-group stigma by other actors in the HNC, the Labor Party succumbed to the weaknesses of its policy ambivalence – i.e. the political incredulity that resulted from straddling competing discourses of securitization and human rights in a double bind. The positional power of de-securitizing actors from the Labor Party was ultimately compromised through the party’s own inflection towards securitization discourses, as well as the stigma attached to it by the Liberal Party.

The Labor Party’s policy ambivalence caused it to experience in-group stigma from the dominant actor in the HNC, the Liberal Party, for being too soft on asylum seekers. The power that it exerts in preserving normative hegemony manifests through the allocation of
in-group stigma towards members of the HNC who deviate from hegemonic (in this case, exclusionary) norms. Such preservative forms of in-group stigma result, firstly, in the elevation of the positional power of the stigmatizing actors of the HNC (the Liberals); and secondly, in the downward placement of the stigmatized (members of the Labor Party) along the status hierarchy of individuals. In this component of the stigma process, the labelled member of the political elite experiences status loss, or the erosion of his/her positional power as a (de-)securitizing actor. Both the Rudd and the Gillard Labor governments were stigmatized for their ‘soft’ approach to asylum seekers, deviating from the hardline approach of the Liberals.

As members of the HNC, both major parties engaged in negative constructions of asylum seekers over the course of the 2010 and 2013 elections. Following the logic of stigma that involves the separation of ‘us’ from ‘them’, asylum seekers (‘they’) were seen to be a menace to ‘us’ having been depicted as immoral and predatory ‘queue-jumpers’. Pursuing this line of analysis, the policy ambivalence I have canvassed presents itself in the first place as internal to the Australian Labor Party. Here, the Labor Party’s established role in implementing exclusionary policies and securitization moves through its bipartisanship with the Liberal-National Coalition renders any contestation by a Labor parliamentarian of the Coalition’s asylum policies as deeply contradictory. Any Labor parliamentarian who advocates a humanitarian approach towards asylum seekers is thus placed in a double bind, blocked from pursuing a humanitarian approach as a consequence of the stigma wielded by the Liberal-National Coalition for deviating from bipartisanship on asylum policy.

The Labor Party’s double bind is constituted by the combination of transformative and preservative power (of hegemonic norms) characteristic of parliamentary milieus. This takes the form of a series of antagonisms between the Labor government and the parliamentary audience, composing the major opposition party, the Liberal-National Coalition. The audience also comprises the Australian Greens and independent members who attempt to challenge the authenticity or the exclusionary norms of the hegemonic political elite, but to
which the latter are, ultimately either irrevocably aligned (the Independents), or simply not influential enough to exert transformative power (the Greens). The problem with the debate in Australia is that it is predisposed to securitization – the polarized nature of the debate leaves no room for asylum seekers, as the beneficiaries of political agents of social change, to feature positively in configurations of national identity, sovereignty and human rights.

5. The UNHCR and the Australian Human Rights Commission

While the practice in Australia of punishing asylum seekers and refugees, rather than protecting them, has not gone unnoticed by the international community, little progress has been made towards persuading the Australian government to comply with its obligations under international law. In August 2012, Australia was found guilty of almost 150 violations of international law over the indefinite detention of 46 refugees, who had negative ASIO assessments, in one of the most damning reports on human rights that Australia has received from a United Nations committee (Gordon 2013). A NGO statement delivered in 2014 at a meeting of the UNHCR Standing Committee in Geneva (International Council of Voluntary Agencies 2014: 3) catalogued a long list of policies that failed to honour Australia’s commitment under the Refugee Convention. Australia was condemned for expelling asylum seekers to Nauru and Manus Island; for suspending permanent Protection Visa grants for refugees who arrived by boat; for decreasing the number of refugees accepted under the Humanitarian Program; for pushing back asylum seekers to Indonesia; for denying access to refugee status determination; and for detaining vulnerable groups, including children. Independent and authoritative bodies such as Amnesty International and the UNHCR have reported that conditions on Manus Island are cruel and degrading, and amount to arbitrary and unlawful detention (Amnesty International 2013a, 2013b; Maley and Parnell 2013; Glendenning 2015). Yet, the influence of these actors in prompting change towards acceptance of asylum seekers is premised on the membership of Australia’s political elite in norm circles that endorse norms of civic national identity, and norms of human rights and
international law in relation to asylum seekers. In the following section, I review the efforts of the UNHCR, the United Nations Human Rights Council and the Australian Human Rights Commission in allocating stigma towards the Australian government for breaching its obligations in respect of the implementation of the 1951 Refugee Convention and the 1967 Protocol.

5.1. The UNHCR

The UNHCR is a significant actor because of the monitoring role it plays in Australia and the region. The organization has challenged much of the security discourse used by the Australian government to delineate out-groups of asylum seekers and refugees (e.g. as a threat to Australian society etc.) by exposing and condemning the cruel and degrading treatment those asylum seekers endure. The Australian Human Rights Commission is an independent statutory organisation, established in 1986. The Commission reports to the federal Parliament through the Attorney-General on policies and legislative developments in relation to refugees and asylum seekers, human rights compliance by the state as well as discrimination and human rights complaints. Its role involves improving education and public awareness of these issues.

The discourses of the UNHCR and the United Nations Human Rights Committee have emphasized the psychosocial harm inflicted upon asylum seekers in detention. The UN Human Rights Committee has declared that the continued detention of asylum seekers, who have been in detention for more than four years, is inflicting serious psychological harm and is in breach of the International Covenant on Civil and Political Rights (Gordon 2013). Such statements amplify the urgency of the issue, which includes the self-harm of adults and children in detention. The UNHCR raises the profile of asylum seekers who have been made invisible by the dominant discourse (which focuses on the crime of people smuggling, as opposed to the rights of asylum seekers). They criticize the punitive nature of indefinite mandatory detention, recognizing that current Australian asylum policy is largely
uninformed by trauma and therefore neither recognizes nor accommodates it. The experiences of asylum seekers are characterized as dehumanizing, humiliating, claustrophobic, frightening, and punishing. UNHCR’s approach is informed by the fact that the environment of the detention centres in Papua New Guinea and Nauru is overtly and covertly traumatizing, coercive and violent.

The UNHCR has expressed grave concerns over proposed amendments to the Migration Act which would codify Australia’s interpretation of the refugee definition and narrow the scope of the refugee definition as established by Article 1A(2) of the 1951 Convention. Indeed, the UNHCR has long advocated stronger regional and international cooperation to address mixed migration maritime movements in a way that respects the legitimate concerns of states, but also the individual protection and humanitarian rights of those who resort to dangerous travel by sea under international law (UNHCR 2014b). However, the Australian government has chastised its role as a monitoring body.

The UNHCR cites the uncertainty about refugee status determination (RSD) processes as a significant source of psychological harm afflicting asylum seekers. During the UNHCR’s visits in January, June and October 2013, asylum seekers who met with the UNHCR expressed “confusion and anxiety” over the RSD processing arrangements that would apply to them in Papua New Guinea (UNHCR 2014c: 5). In documenting the emotional reactions of asylum seekers, they are humanized. Portrayal of their enforced victimhood under Australia’s mandatory detention regime challenges the construction of asylum seekers as threats and as criminals. These representations of asylum seekers amplify the conditions of “deep distress” and their “deep sense of helplessness” as a consequence of not being kept informed about the applicable RSD processes and procedures, and not receiving any approximate timeframes in relation to the process (UNHCR 2014c: 6). In so doing, they help restore humanity and dignity to the mutilated, criminalized image of the asylum seeker. The UNHCR’s view is that reasonable and appropriate timeframes for processing should be implemented and communicated to asylum seekers. This is essential not only for a fair and
efficient asylum system, but also for the psychological well-being of asylum seekers (UNHCR 201c: 6). Most asylum seekers who the UNHCR met during its October 2013 visit expressed “serious concern and anxiety” about the prospect of being settled in Papua New Guinea, with many expressing that they had fled conflict and insecurity to seek peace and safety in Australia and did not believe that Papua New Guinea was able to provide adequate protection for them (UNHCR 2014c: 8). The UNHCR has raised serious concerns about the living conditions for asylum seekers being held at the Nauru and Manus Island detention centres. In two heavily critical reports, it called on the Australian government to stop sending asylum seeker children to the detention centres. It singled out the Nauru centre in particular, saying it is “rat-infested, cramped and very hot” (Stewart 2014). The discourses used make explicit reference to forms of injustice and insecurity.

5.2 The Australian Human Rights Commission

In March 2014, the Australian Human Rights Commission released a report on its investigation into the plight of children in detention on Christmas Island. Every picture drawn by the children was signed with their boat ID number. Psychologists reported that the children referred to each other by their number and not by name. The institutionalization, indeed the dehumanization, of these children is all-pervasive and the trauma inflicted upon them will take a very long time to surpass (Peer 2014). It is a matter of public record that the Pacific Solution saw unaccompanied children and adults disintegrate mentally and emotionally. Psychologists speak of the reality of ‘asylum seeker syndrome’, the result of prolonged detention, as a new form of mental illness (Mental Health Council of Australia 2012: 8; Glendenning 2015). The Australian Human Rights Commission disproves the assertion that asylum seekers pose psychosocial harm/risk to the community by reporting on the forms of bodily and psychological harm induced by the government’s indefinite mandatory detention of children and adults. In February 2015, the government made a series of personal attacks on Professor Triggs, the President of the Australian Human Rights
Commission, in response to the Commission’s report *The Forgotten Children: National Inquiry into Children in Immigration Detention* (2014). Prime Minister Tony Abbott branded the report, which revealed alarmingly high rates of sexual and physical abuse, as a ‘transparent stitch-up’, after which Professor Triggs was pressured to resign (Greenwood 2015; Hurst 2015).

When human rights advocates such as the UNCHR, the UN Human Rights Committee and the Australian Human Rights Commission use frames that speak about bodily harm to vulnerable or innocent people, they are trying to persuade audiences of the need to eradicate exclusionary norms that undermine the human rights of asylum seekers. Often, such depictions are more appealing for audiences as they touch on cross-cultural understandings of how human beings should be treated. The reports about children in this regard are paramount – bodily harm becomes even more alarming since children are a symbol of vulnerability and innocence. In spite of all of these condemnations, however, the persistence of the government’s draconian and securitized asylum policies suggests that the commitment of members of parliament (as members of the audience of a securitizing speech act) to endorse and enforce norms of international law is marginal. The Greens Party is the only significant example of a parliamentary audience that regularly opposes securitization speech acts, based on their belonging to a political community that endorses egalitarianism, humanitarianism and *jus cogens* norms of international law amongst others.

In a parliamentary debate on Abbott’s Migration and Maritime Powers Legislation Amendment Bill 2014, Senator Sarah Hanson-Young of the Australian Greens criticized the government’s proposition, and called for a humane approach to asylum policy. Referring to PM Abbott, she contended,

> He wants to rip the refugee convention from the Australian law books. He wants to change the very definition of who is and who is not a refugee. He wants to fast-track the refugee determination process to remove the right of review, meaning there would be

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less protection for people who deserve it, less protection for people who may, as a result of mistakes, be sent back to death and torture (Commonwealth of Australia 2014a: 2).

The inclusive discourse of the Australian Greens has centered on Australia’s obligations to protect asylum seekers under international law. During the same parliamentary debate, Sarah Hanson-Young asserted,

Australia is obliged to provide protection to those who arrive on our shores. We are obliged to do that under international law, but we are actually required to do it as part of being a good global citizen – as a nation that stands for fairness, as a nation and that cares about the rule of law, as a nation who proudly drafted the refugee convention 60 years ago because we did not want to see vulnerable people turned away and deported back to danger. And here we have a bill that in the midst of the political heat of the refugee issue here in Australia we have the Abbott government wanting to undermine and delete those very values from our law books (Commonwealth of Australia 2014a: 2).

The Greens possess small party status in the Australian parliament, and attempt to exercise transformative power in rejecting the reproduction and reinforcement of Australia’s exclusionary asylum regime. Their transformative power, however, is limited to their cooperation with major parties who advocate against the introduction of specific securitization policies. As transformative agents, the Greens are unable to circumvent the securitization of asylum enforced by the dominant duopoly of political parties. The Greens are the only Australian party that actively opposes the major parties’ endorsement of the inhumane treatment of asylum seekers. The Greens’ mandate is that Australia must enact its humanitarian and legal obligations to asylum seekers and refugees under the international law and the 1951 Refugee Convention and its Protocol, and urge that the treatment of asylum seekers be humane, transparent and consistent (The Australian Greens 2016). The party is openly opposed to major parties’ legitimization of the indefinite mandatory detention of
refugees and asylum seekers, and calls for the issue to be framed as a humanitarian issue rather than a crisis of border security or defence (The Australian Greens 2016).

The power wielded by the Australian Greens is their dissent from hegemonic, exclusionary norms. The Greens have a small but critical role in legislative processes, particularly when the mainstream Liberal-National Coalition and Labor parties disagree on political issues. The Greens opposed the Gillard Labor government’s ‘Malaysia Arrangement’ in 2011 to prevent the policy from being implemented (Karlsen 2012). In so doing, the Greens played a critical role in upholding international refugee law, as Malaysia was not a party to the 1951 Refugee Convention, and offered neither to protect nor process asylum seekers. In 2013, the Greens, together with the Labor Party, were instrumental in opposing the Abbott government’s re-introduction of Temporary Protection Visas for all new boat arrivals (Marles 2013). However, the Greens’ ability to exert transformative change remains very limited as long as hegemonic, exclusionary norms continue to be endorsed and enforced by the HNC under the bipartisanship of major parties in parliament. Similarly, while the UNHCR and the Australian Human Rights Commission have played a key role in criticizing the Australian government for its breaches of international law, their impact remains very limited as both major parties continue to promote exclusionary norms underlying ethnic conceptualizations of national identity in Australia.

6. Conclusion

In this chapter, I have demonstrated how hegemonic norms presiding in Australia’s parliamentary system have facilitated the securitization of asylum as a policy issue. I argued that the activity of securitizing actors is mediated through the collective agency of the parliamentary audience as members of norm circles. The power produced by hegemonic norm circles of the political elite in their collective endorsement of a securitization speech
act, and in their collective stigmatization of asylum seekers as the deviant out-group, facilitates the enactment of security moves in relation to asylum policy.

The stigmatization and exclusion of asylum seekers by major parties of the Australian parliament is the consequence of the strength of the parliamentary executive within a majoritarian, two-party electoral system. Strong majoritarianism has made it possible for Australian governments to pass anti-asylum legislation, even in the absence of bipartisan support. The absence of a strong opposition able to undermine the positional power of securitizing actors means that stigma operates in a unidirectional manner, solely towards asylum seekers arriving by boat to Australia. Since the Howard era of government, Australian Prime Ministers from the Australian Labor Party and the Coalition government have successfully employed mainstream iterations of populism to divide the demos between the ‘good’ Australian and an antagonistic ‘Other’. The use of ethnic differences and fear was a great political tool for the Howard government, as instanced by the Tampa affair and the children overboard deceit. The exclusionary norms underlying ethnic nationalism are a significant feature of political discourse on securitization for the Coalition government and the Labor Party. The bipartisanship of these major political parties on the issue is based on their belonging to a norm circle that disregards international legal norms on the protection of asylum seekers. The ethnic nationalist sentiment that has been used by successive Australian governments to prejudice against ‘non-Australians’ and protect the ‘heartland’ has been resisted to some extent by international and domestic organizations such as the UNHCR and the Australian Human Rights Commission. However, the influence of securitizing actors and the agency exerted by their parliamentary audience in accepting the securitized discourse about asylum remains unconstrained by these voices of condemnation, as the Australian government continues to reproduce and reinforce its exclusionary asylum regime.

Opponents of exclusionary norms about asylum, such as the UNHCR and the Australian Human Rights Commission, have lacked influence. By highlighting the ways in which the securitization speech act and consequent asylum policies deviate from norms of international
law, and by stigmatizing that behaviour, these actors have tried to influence asylum policy in a humane direction. But what exactly can organizations such as the UNHCR and the Australian Human Rights Commission achieve? In contesting the exclusionary HNC, these agents rely on a significant part of the political elite belonging to the NCR, who enforce and endorse the *jus cogens* norms of international law. Only then can the in-group stigma be used to shame members of the political elite who deviate from norms of international law by engaging in the securitization of asylum. In Australia, however, the Liberal and National parliamentary parties have consistently dismissed the norm circle of resistance (NCR) that seeks to uphold human rights norms and other norms of international law related to asylum seekers. While the Labor Party straddled both the HNC and the NCR between 2007-2009 under Prime Minister Rudd, it withdrew participation as a voice of dissent in 2010 under the Gillard government. By 2015, Labor had fully endorsed and enforced the exclusionary norms promoted by the HNC under the leadership of Bill Shorten. Consequently, the impact of active dissent in parliament through the Greens and by advocates of norms of international law such as the UNHCR and the Australian Human Rights Commission is very limited in terms of their capacity to influence asylum policy in a humanitarian direction. The norms inherent in the Refugee Convention continue to be rejected in favour of alternative political norms, which serve the short-term interests of politicians who determine policy, and there is no countervailing influence strong enough to support the norms of international law. Consequently, the exclusionary norms underlying the securitization of asylum in Australia remain hegemonic.
Chapter 5

Securitization of Asylum in Australia During Recent Federal Elections

1. Introduction

In this chapter, I examine how securitized asylum policies have become entrenched in Australia. Asylum policy shifted from de-securitization in 2007-2009, towards re-securitization in the last months of 2009. Since 2010, asylum policy has become increasingly securitized. What factors have contributed to the entrenchment of securitization in Australia? On a level fundamental to securitization, stigma is used to construct asylum seekers as existential threats to Australia’s national security, based on ethnic conceptualizations of ‘Otherness’, which are often linked to criminal activity and terrorism. A critical factor that determines whether or not securitization speech acts are accepted by securitizing actors in the Australian parliament is the nature of the electoral system. In Australia’s two-party, majoritarian electoral system, power is concentrated in the Lower House. Here, a preservative form of in-group stigma is used by the hegemonic norm circle (HNC) to suppress democratic debate on asylum policy, particularly rhetoric of dissent by members of the norm circle of resistance (NCR). Discourses on asylum policy that espouse the inclusive norms of international law, human rights and humanitarianism are de-legitimized in favour of securitization discourses that appeal to voters in marginal constituencies.
For the Liberal-National Coalition members of the HNC, the in-group stigma directed at the NCR is used to elevate their positional power as dominant securitizing actors within the parliamentary milieu, and to win marginal seats by appealing to Labor’s blue-collar constituencies who prefer punitive asylum policies, thus securing a parliamentary majority at federal elections. By contrast, the Labor Party’s use of a transformative form of in-group stigma has occasionally been part of its strategy to influence asylum policy in a humanitarian direction. However, the Labor Party’s policy ambivalence has made it very susceptible to the consequences of in-group stigma wielded *preservatively* by the Coalition members of the HNC.

In this chapter, I first define the types of stigma utilized in the Australian parliament. Thereafter, the nature of the Labor Party’s policy ambivalence, as the party straddled both the HNC and the NCR between 2001 and 2009, is discussed. In the fourth and fifth sections of the chapter, I provide an analysis of the 2010, 2013 and 2016 federal elections in Australia, examining the impact of the different types of stigma wielded by the HNC and the NCR on asylum policy.

2. Types of Stigma in the Australian Parliament

In this section, I sketch some empirical features of the Australian parliamentary discourses on stigma and deviance over the course of the federal elections of 2010 and 2013. Parliamentary debates before, during and after the elections have been chosen for this analysis to demonstrate how border protection and the securitization of asylum represent a symbolic political issue. Asylum seekers have been used as valued currency to gain political power. The Labor government’s failure to develop a sustainable policy to stem the flow of asylum seekers – deemed a threat to national security by the Liberal-National Coalition – became a rallying cry for the Coalition across the 2010 and 2013 elections. Building on the work of his predecessor John Howard in 2001, Tony Abbott transformed the issue into a
mantra that split the Labor Party in its concern about human rights and international law on one side, and resentment of people smugglers and so-called ‘queue-jumpers’ on the other. Across the 2010 and 2013 elections, three types of stigma were used by securitizing actors and members of the audience to constrain security moves and reject securitization speech acts or to enable security moves and accept securitization speech acts. I classify two forms of in-group stigma used by political actors of the HNC and the NCR to erode the positional power of (de-)securitizing actors in parliament. Firstly, in-group stigma used *preservatively* by the HNC and secondly, in-group stigma used *transformatively* by the NCR.

In Australia’s two-party majoritarian electoral system, where hegemonic norms on asylum are exclusionary, both major parties compete in their use of in-group stigma to secure parliamentary majorities during elections. Political actors of the HNC wield in-group stigma *preservatively* to suppress democratic debate and deliberation, and de-legitimize dissent within the HNC, particularly from actors of the Labor Party who are simultaneously part of the NCR. The net effect of preservative in-group stigma is the subordination of de-securitizing actors and the elevation of securitizing actors’ positional power within the HNC. By contrast, political actors of the NCR wield in-group stigma *transformatively*, with the aim of eroding the positional power of securitizing actors in order to constrain securitization moves, while elevating their own status as advocates of international law, human rights and humanitarianism. The third form of stigma – out-group stigma – has been directed at asylum seekers by both major parties as members of the HNC. By stigmatizing asylum seekers as the threatening ‘Other’, both major parties have successfully securitized the issue of asylum. Here, ‘master-slave relations’ of hegemony and control emerge, with the state as the ‘master’ and the asylum seeker as the subjugated object or ‘slave’, stigmatized and dehumanized under the power of the HNC.
2.1 In-Group Stigma and Wielding Power *Transformatively*

In 2007, the Rudd Labor Party, belonging to the HNC and the NCR in parliament, endorsed and enforced human rights norms under international law through its asylum policies. As a member of the NCR, it attempted to wield stigma *transformatively*, by stigmatizing the Liberals for their exercise of an inhumane and wasteful asylum policy. The Rudd Labor Party used in-group stigma *transformatively* to erode the positional power of securitizing actors in the HNC (parliamentarians of the previous Howard government) and shift the treatment of asylum seekers from Howard’s heavy-handed, inhumane approach that damaged Australia’s international reputation, to one that reflected a commitment to reform and a humane treatment of asylum seekers (Evans 2008a; Evans 2008b). In so doing, the Rudd government was trying to de-securitize the issue of asylum.

The concept of de-securitization, previously discussed in Chapter 1, is a central normative claim of the Copenhagen School and implies a commitment to democratic debate in the political process. Successful de-securitization involves shifting the issue of asylum from the realm of emergency politics, where issues are defined as national security threats warranting extraordinary measures/policies, to the sphere of normal politics where the issue of asylum exists inside “the normal bargaining process of the political sphere” (Buzan, Wæver and de Wilde 1998: 4). In her discussion of de-securitization, Lene Hansen (2012: 533) posits that “the reinvigoration of the public sphere, that de-securitization implies, facilitates the engagement of a wider range of actors than if an issue is constituted as one of securitization.”

The in-group stigma applied *transformatively* by the Labor Party had the effect of shifting the asylum issue from the zone of emergency politics to a bargaining sphere of normal politics, which allowed for the diffusion of human rights norms in asylum policy. In-group stigma, directed at securitizing actors of the Liberal-National Coalition, featured strongly in the tenure of the Rudd Labor government and served to undermine securitizing agents’ positional power, thereby constraining security moves. However, in the lead-up to the 2010 and 2013 elections, the power of the HNC, to which the Labor Party is primarily attached,
ultimately prevailed. In-group stigma was wielded by the HNC to preserve hegemonic norms of exclusion underpinning an ethnic national identity. The Liberal-National Coalition wielded in-group stigma *preservatively* to communicate a betrayal of bipartisan support on asylum policy.

When Julia Gillard deposed Kevin Rudd as Prime Minister and Labor Party Leader shortly before the 2010 general election, she framed the issue of asylum as one of border protection and border security in order to appeal to marginal blue-collar constituencies who favoured the Liberal-National Coalition’s punitive asylum policies. In so doing, Gillard initiated the re-securitization of asylum (Gillard 2010a; Curtis 2010; McDonald 2011). Her trajectory on the issue matched Opposition leader Tony Abbott’s securitized asylum policies. Eventually, the in-group stigma used *preservatively* by the HNC (including some of the Labor Party’s own members) on parliamentarians of the Labor Party who advocated humanitarian asylum policies was far more powerful than the in-group stigma used *transformatively* by Rudd’s Labor Party as a member of the NCR. Internal conflict within the Labor Party as a consequence of its policy ambivalence resulted in the party’s political incredulity on asylum policy. This resulted from party members straddling competing discourses of human rights on the one hand, and securitization on the other, creating a double bind. The positional power of de-securitizing actors from the Labor Party was ultimately compromised through the stigma attached to it by the Liberal-National Coalition, and by the Labor Party’s own ambivalent position between its progressive constituencies who advocated human rights and norms of international law, and its conservative constituencies who sought punitive policies on asylum and closed borders.

**2.2 In-Group Stigma and Wielding Power *Preservatively***

The Labor Party’s policy ambivalence caused it to experience in-group stigma from the HNC for being supposedly too soft on asylum seekers. I argue that the power exerted by the HNC to preserve its normative hegemony manifests through the allocation of in-group stigma
towards members of the HNC who contest or deviate from hegemonic, exclusionary norms. Such preservative forms of in-group stigma result, firstly, in the elevation of the positional power of the primary stigmatizing actors of the HNC (the National-Liberal Coalition); and secondly, in the downward placement of the stigmatized (members of the Labor Party) along the status hierarchy of individuals. In this component of the stigma process, the labelled member of the political elite experiences status loss, or the erosion of his/her positional power as a de-securitizing actor (Link and Phelan 2001: 370). The question then becomes: who amongst ‘us’ (the political elite) can execute the toughest, most draconian policies against ‘them’ (asylum seekers) and emerge on top? Both the Rudd and the Gillard Labor Party were stigmatized for their soft approach to asylum seekers, which deviated from the hardline approach of the Liberal-National Coalition. The Labor Party’s contradictory calls for a humanitarian approach to asylum policy, whilst simultaneously advocating regional processing frameworks that violate jus cogens norms of international law, left the party vulnerable to ridicule by the parliamentary Opposition. The stigmatization that the Labor government faced in 2010 and in 2013 (when they were defeated by the Liberal-National Coalition) centred on discursive constructions of the party’s inability to take a clear stance on asylum seekers, in either a humanitarian direction or a securitized direction. This contrasted with the Liberal-National Coalition’s more draconian approach to asylum seekers arriving by boat.

2.3 Out-Group Stigma and Wielding Power Preservatively

As members of the HNC, both major parties engaged in negative constructions of asylum seekers over the course of the 2010 and 2013 elections. Following the logic of stigma that involves the separation of ‘us’ from ‘them’, asylum seekers (‘they’) were seen to be a menace to ‘us’ having been depicted as immoral and predatory ‘queue-jumpers.’ When asylum seekers are labelled as such, and are believed to be distinctly different, the process of dehumanizing them and implementing securitization policies can be smoothly accomplished
because there is little harm in attributing all manner of bad characteristics to ‘them’. The logic of labelling, setting apart and linking these individuals to undesirable characteristics automatically creates a rationale for devaluing, rejecting and excluding them from the *demos*. The Liberal Party used these labels to construct asylum seekers as a threat to national security. The Labor Party shifted its anti-asylum discourse from an emphasis on criminalizing asylum seekers to criminalizing people smugglers. Nevertheless, the victimization of asylum seekers endured with policies of mandatory detention, first introduced under the Keating Labor government in 1992. Furthermore, anti-asylum rhetoric was a major feature of Labor’s 2010 and 2013 campaigns. In 2010, after ousting Kevin Rudd as Prime Minister and party leader of the Labor government, Julia Gillard insisted that she was more determined and more capable of pursuing a closed border policy and harsher treatment of refugees and asylum seekers than the Liberals. Whilst the Gillard Labor government constructed asylum seekers as a threat to Australian sovereignty – defined as the right to exclude and control – Tony Abbott, party leader of the Liberals, framed asylum seekers arriving by boat as unequivocal threats to Australia’s national security.


While most of the Australian Labor Party has largely agreed with the Coalition on asylum policy since 2001 as a member of the HNC, significant members have on occasion opposed the Liberal-National Coalition’s deterrent asylum policies. The Labor Party’s policy ambivalence arises insofar as it is not possible to simultaneously interpret the role of a ‘pro-asylum seeker’ politician within an exclusionary parliamentary milieu as both transformative and power-preserving of the hegemonic norms on asylum policy. In 2001, MP Simon Crean as leader of the Labor Party distanced himself from former Labor Party leader Kim Beazley’s stance on the *Tampa* crisis, arguing against passing the government’s laws (The Sydney Morning Herald 2003). Crean argued for an alternative bill in parliament that would give Australian authorities the power to act decisively, “but not in a way that took away

“This is politics at its worst and we are not going to fall for it. The Labor Party will stand firm: we will stand firm on this because we believe you do not protect your borders by surrendering them. We believe there is a constructive alternative. I will move a second reading amendment to this bill to ensure that that constructive amendment is properly debated and considered by the government (Commonwealth of Australia 2002b: 4025).”

The ‘constructive alternative’ Crean appealed for involved the strengthening of bilateral cooperation within the Australasian region through the Bali Process, in order to regulate the protection and inclusion of asylum seekers in Australia and the region (Commonwealth of Australia 2002b: 4020). Indeed, the Labor Party’s policy ambivalence – with some members calling for human rights and social democratic norms of solidarity in asylum legislation – left the party open to criticism from the Liberals for vacillating on the issue (Goot 2001: 71).

For contesting the exclusionary norms underlying the HNC, of which both the Liberal-National Coalition and the Labor Party are members, the Labor Party was stigmatized and undermined in parliament. As early as the looming election battles of November 2001 and October 2004, the Howard government accused Labor of being ‘soft’ on border protection for not supporting the excision of northern islands to thwart boat arrivals (McCulloch 2004: 1). This occurred primarily because the Labor Party generated a countervailing normative stance to the hegemonic norms enforced and endorsed by the HNC.

In 2002, Labor Party leader, Simon Crean, and Julia Gillard as shadow Immigration Minister developed what they claimed to be a humane policy towards asylum seekers arriving by boat, although maintaining a policy of mandatory detention. At the time, Crean and Gillard vowed to,
end the ‘Pacific Solution’… because it [was] costly, unsustainable and wrong as a matter of principle… free children from behind the razor wire,… return detention centre management to the public sector, and lift the shroud of secrecy around detention centres through media access and the involvement of independent medical professionals (Crean and Gillard 2002).

This policy was not publicized during the next election, which the Labor Party lost. However, it came close to that adopted by Senator Chris Evans as Minister for Immigration and Citizenship after the Labor victory of 2007. On 24 November 2007, the Australian Labor Party won the federal election, defeating the Coalition Government, which had been in power for nearly twelve years. Kevin Rudd was sworn in as Australia’s 26th Prime Minister on 3 December 2007. The Rudd Labor government affirmed its commitment to,

- end the so-called ‘Pacific Solution’;
- to give permanent, not temporary, protection to all refugees;
- to limit the detention of asylum seekers for the purposes of conducting initial health, identity and security checks;
- to subject the length and conditions of detention to review;
- to vest management of detention centres with the public sector;
- to retain the excision of Christmas Island, Cocos Islands and Ashmore Reef; and to create a new Refugee Determination Tribunal (The Australian Labor Party 2007: 222-3).

Notably, in the area of asylum policy, key principles underlying policymaking were “humanity, fairness, integrity and public confidence” (Evans 2008a). In a speech delivered by the Minister for Immigration, Chris Evans, he stated, “the Rudd Labor Government was elected on a platform that included a commitment to reform and a more humane treatment of those seeking our protection” (Evans 2008a). Offshore processing of asylum claims in the small Pacific Island State of Nauru, which the Minister described as a “shameful and wasteful chapter in Australia’s immigration history” and unrepresentative of the Labor Party’s ethos on asylum seekers, was terminated (Evans 2008a). In his statement, Chris Evans espoused norms of equality, egalitarianism and justice on asylum policy that reflect civic (as opposed to ethnic) conceptualizations of national identity. Civic conceptualizations
of national identity, tolerance and multiculturalism were the legacy of Labor Prime Minister Paul Keating (1991-1996), who left the administration of multicultural policy to the politicians most closely identified with the ethnic lobby: the Minister for Immigration and Ethnic Affairs, Nick Bolkus, and Andrew Theophanous, Chairman of the Joint Standing Committee on Migration. Together Bolkus and Theophanous promoted the policy document titled *Our Nation*. Even though Keating may have introduced detention centres during his tenure as prime minister, before the asylum issue had become fiercely contested in parliament, Keating’s legacy was one of sympathy for minority groups, not incarcerating them. On multiculturalism, Keating’s Labor government promoted cultural diversity, introducing *de facto* affirmative action quotas for Commonwealth boards and advisory bodies (Birrell 1996). Rudd’s Labor government (2007-2010) continued to build on civic conceptualizations of national identity, extending norms of egalitarianism and humanitarianism to the highly stigmatized and securitized out-group of asylum seekers. By contrast, former Coalition Prime Minister John Howard’s alarmist rhetoric on boat arrivals centred on securitization discourse and xenophobia. This marked a shift towards de-securitization under Rudd.

In the lead up to the 2007 federal election the Australian Labor Party drafted its national policy platform. In relation to the mandatory detention policies of the Howard era, the platform relevantly stated:

> Detention of asylum seekers should only be used for health, identity and security checks. Children and family groups should initially be placed under supervision within the community… Conditions of detention must be humane and appropriate to the needs of asylum seekers, with appropriate alternatives to detention centres made to meet the needs of unaccompanied children and family groups… [and] the length and conditions of detention must be subject to review and detention centres managed by the public sector (Australian Labor Party 2007: 206).
In the 2007 election, the Labor Party expressed a commitment to maintain a system of mandatory detention and the excision of certain places from the migration zone, a policy that it has consistently asserted as a member of the HNC. However, after forming government, the Prime Minister Rudd sought to significantly reform immigration detention to ensure a fairer, humane and effective system. The administrative implementation of the New Directives in Detention policy was more aligned with the norms of international law articulated by the UNHCR in regard to detention, migration, and the rights of children. This marked a significant movement of the Labor Party from the HNC to the norm circle of resistance (NCR), previously occupied singularly by the Australian Greens in parliament (see Figure 5.1).

As a member of the NCR, the Rudd Labor Party attempted to wield stigma *transformatively*, to firstly elevate the positional power of the de-securitizing actors of the NCR (members of the Labor Party and the Australian Greens); and secondly, trigger the downward placement of the stigmatized political actors (members of the Liberal-National Coalition) along the status hierarchy of actors in parliament. In this component of the stigma process, the labelled member of the political elite experiences status loss, or the erosion of his/her positional power as a securitizing actor (Link and Phelan 2001: 370). By stigmatizing the Liberals for their exercise of an inhumane asylum policy during the Howard era, the Rudd Labor Party used in-group stigma *transformatively* to erode the positional power of securitizing actors, and align Australian asylum policy with norms of international law (see Table 5.1).
Table 5.1. Allocation of stigma by norm circles of the political elite in parliament from November 2007 to November 2009.

<table>
<thead>
<tr>
<th>Hegemonic Norm Circle (HNC)</th>
<th>Norm Circle of Resistance (NCR)</th>
<th>Liberal-National Coalition</th>
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<tr>
<td></td>
<td>Greens</td>
<td>ALP</td>
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<tr>
<td>(1) In-Group Stigma (Transformative)</td>
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<td>(2) In-Group Stigma (Preservative)</td>
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<td>(3) Out-Group Stigma</td>
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Figure 5.1. The HNC and NCR on two political dimensions of asylum policy from November 2007 to November 2009.
In 2007, in-group stigmatization ensued when Rudd advocated humanitarian policies, and again in 2009 when Prime Minster Kevin Rudd of the Labor Party negotiated with asylum seekers on board the *Oceanic Viking*. The Labor Party was stigmatized for what the Liberal-National Coalition deemed a soft approach to asylum seekers. Subsequently, in April 2010, the Rudd government paralleled the Opposition’s hardline on asylum policy by temporarily suspending the processing of new claims by Sri Lankan and Afghan asylum seekers, who comprised 80% of all boat arrivals (The Sydney Morning Herald 2010). Yet, even with renewed emphasis on hardline and restrictive asylum policies, the Labor Party could not shrug its tarnished reputation as a party soft on asylum seekers – one that could not take a firm stand on the issue either in a humanitarian or an exclusionary direction. Indeed, the Labor Party has been placed in the situation of a double bind, as expressed in the colloquial phrase, we’re damned if we do and damned if we don’t! As a consequence, it was less effective in wielding power *transformatively* through the use of stigma in order to de-securitize the issue of asylum than it was in re-securitizing the issue by out-promising the Liberal-National Coalition on the security policies with which it would handle asylum seekers. Further, by refusing to fully endorse and enforce the inclusive norms of the norm circle of resistance (NCR), premised on the human rights norms of international law, the Labor Party forfeited its credibility as a party that stood for humanitarianism and the fundamental idea that asylum seekers should be treated with dignity and compassion.

### 3.1 The NCR and In-Group Stigma (*Transformative*)

In 2008, the Labor government took a decisive stand by abolishing temporary protection visas and granting refugees’ permanent residency (Evans 2008b). In so doing, the Rudd government utilized the rhetoric of a counter-discourse, which positioned the Australian state’s disregard for the human rights of asylum seekers, rather than the asylum seeker, as the problem. This contrasted with constructions of asylum seekers as objects of hostility, fear and disgust that were used to legitimize draconian asylum policies during the Howard era.
(Every and Augoustinos 2007). Along with this significant regulatory change, it introduced a new policy with respect to immigration detention: *New Directions in Detention* prescribed seven values that would “guide and drive new detention policy and practice into the future” (Evans 2008b). The policy sought to challenge the subordination of asylum seekers on the basis of their membership to a category of ‘illegal’ and ‘enemy Others’, by securing asylum seekers’ access to publicly funded advice and assistance, and ensuring the independent review of unfavourable decisions and external scrutiny by the Commonwealth Ombudsman. Although these policies were transformative, in that they were more aligned with *jus cogens* norms of international law pertaining to *non-refoulement* and the prohibition of torture, asylum seekers arriving without documentation were still subject to exclusionary norms of mandatory detention – a core policy of the HNC. Nevertheless, Prime Minister Rudd introduced legislation to remove the requirement that certain asylum seekers held in detention be liable for the costs of their detention; allocated $186.3 million in the 2009-10 budget to redevelop Sydney’s Villawood Immigration Detention Centre; allocated $77.4 million in the 2009-10 budget to implement initiatives to manage people in the community to an immigration outcome through early intervention, e.g. Community Care Pilot and Community Status Resolution Trial; removed the 45-day rule for certain bridging visa holders which prevented some bridging visa holders, including asylum seekers, from being given permission to work; and introduced the Migration Amendment (Immigration Detention Reform) Bill which was poised to give legislative effect to the *New Directions in Detention* policy (Wong 2009: 1).

The response to the *New Directions in Detention* policy was generally welcomed by academics and interest groups. This was noted in a report by the NSW Parliamentary Library:

> The Chairman of the Refugee Advisory Council, Bruce Baird stated that the changes were long-overdue ‘and that moving to a risk-based model will ensure a more realistic approach to immigration processing, as well as the humane treatment of vulnerable
immigrants, not least refugees and asylum seekers.’…Academic commentator George Williams also stated that the new risk-based approach is ‘more compassionate and more consistent with human rights’. Further, the Refugee Council of Australia stated that the policy changes were a very positive ‘and fundamental shift in policy’ (Simon 2008: 29-31).

By introducing the human rights dimension of asylum policy to moderate Australia’s exclusionary asylum regime, discourse on asylum policy shifted from the zone of emergency politics, where asylum seekers were represented as threats to national security (and, thus, warranting extraordinary political action), to the sphere of normal politics where debate on humane asylum policies was endorsed. This shift in asylum policy, including re-engagement with the UNHCR, seemed to indicate that de-securitization occurred (McDonald 2011: 286). Yet, the Rudd Labor government remained ambivalent on asylum policy by continuing to endorse deterrent measures including the mandatory detention and processing of all ‘unauthorized arrivals’ on Christmas Island (Marr 2009).

During the Rudd Labor government’s first year in office, asylum policy was aligned more closely with norms of international law, as Prime Minister Rudd strengthened ties with intergovernmental bodies such as the United Nations. Demonstrating some commitment to the protection of asylum seekers and their rights under international law, Rudd attempted to sensitize the HNC to norms of international law by opening Australian asylum policies to investigation and criticism by the UNHCR and the other UN agencies such as the Office of the High Commissioner for Human Rights. Holding the Labor government’s asylum policies as compatible with norms of international law, Rudd stated,

Australia’s renewed engagement with the UN human rights system is reflected in the government’s extension of a standing invitation to human rights rapporteurs to investigate the protection of human rights domestically… It means considering seriously any criticism of Australia’s human rights practices, and it means making changes when our policies do not live up to our national commitment to the proper
protection of human rights. That is why, in our first year in office, we have ended the inhumane, unfair and wasteful Pacific Solution, ended temporary protection visas and substantially reformed Australia’s detention policy. We have restored fairness and humanity to our treatment of people seeking asylum in Australia, while also retaining strong and effective border security (Commonwealth of Australia 2008: 12134).

On 25 June 2009, the Labor government introduced the Migration Amendment (Immigration Detention Reform) Bill 2009 and the Migration Amendment (Complementary Protection) Bill 2009. Both these Bills proposed to make important and, in the case of the first bill – long-awaited reforms to the Migration Act 1958. The Migration Amendment (Immigration Detention Reform) Bill 2009 was initiated to support the implementation of the Government’s new detention policy and formally introduce discretionary detention into the Migration Act. The Bill would give an authorised officer “a non-compellable, discretionary power to grant a temporary community access permission if the officer considers that it would involve a minimal risk to the Australian community to enable a person in immigration detention, who is not subject to a residence determination, to be absent from the place of the person’s detention for a certain period of time for a purpose or purposes specified” (Commonwealth of Australia 2009g: 1). As part of implementation of the policy, in June 2009 the Migration Amendment (Immigration Detention Reform) Bill 2009 was introduced into parliament and referred to the Senate Legal and Constitutional Affairs Committee for inquiry on 25 June 2009. By introducing reform in a humanitarian direction, the Labor government signalled its attempt to de-securitize asylum in the Australian parliament – i.e. shift the issue of asylum “out of emergency mode and into the normal bargaining processes of the political sphere” (Buzan, Wæver and de Wilde 1998: 4; McDonald 2011). With regard to the Migration Amendment (Complementary Protection) Bill 2009, the Australian Greens stood in alliance with the Labor Party on the need to introduce a complementary protection scheme, to bring Australia on par with other Western countries in meeting fundamental human rights and protection obligations under international law. The Australian Greens official policy was that they would “replace the current system of humanitarian visas
(granted only by the Immigration Minister after rejection as a refugee) with an open, accountable humanitarian visa process incorporating a humanitarian review tribunal” (The Australian Greens 2007).

Progress on both the bills stalled in mid-October, coinciding with the Oceanic Viking incident, which dominated Australian politics from mid-October to early November 2009. A consequence of the Rudd government’s handling of the Oceanic Viking saga was that neither of the Bills was passed. The Oceanic Viking incident marked a crucial turning point in Australian asylum policy, away from progressive political initiatives, and towards the re-securitization of asylum. On 10 October 2009, a boat conveying more than 250 Sri Lankan Tamils to Australia was intercepted by Indonesian authorities on request from Canberra, initiating a six-month standoff at the port of Merak, where the asylum seekers refused to disembark. Just eight days later on 18 October 2009, the Oceanic Viking, an Australian customs vessel, rescued 78 Tamil migrants from a distressed craft in Indonesia’s Search and Rescue Region. These migrants were transported to Bintan Island near Singapore, part of Indonesia’s territory that hosts an Australian-funded detention centre, where they refused to disembark. A tense standoff of over two weeks was punctuated with hunger strikes, diplomatic dispute and threats to forcibly remove the asylum seekers from the craft. The incident was eventually resolved when Australia offered to fast track the asylum applications of those on the boat. This was followed by a spike in boat arrivals of asylum seekers, which did not provide a fertile climate for the discussion of the bills in parliament (McAdam 2011: 692). Indeed, a Labor constituency that was growing increasingly divided between urging a peaceful solution and the use of military force to manage the asylum issue left Kevin Rudd in a conundrum. In the moment that the 78 Sri Lankan asylum seekers on board the Oceanic Viking effectively took over the ship, public opinion on the asylum seeker issue had already begun to harden against Rudd’s humanitarian approach to asylum policy, and towards the re-securitization of asylum. Newspoll surveys conducted for The Australian in April and November 2009 indicated a 13% increase in Australians who thought that the federal
government was poorly managing the issue of asylum seekers arriving in Australia (Monash University 2015). In November 2009, 46% of Newspoll respondents indicated that the government was too soft on asylum seekers; 29% felt the policies were agreeable; and 16% declared that the policies were too tough (Monash University 2015). When Julia Gillard deposed Rudd as Prime Minister on 24 June 2010, she promised to toughen Labor’s asylum seeker policy in keeping with prevailing public sentiment.

3.2 The HNC and In-Group Stigma (*Preservative*)

In October 2009, Liberal-National Coalition members of the HNC engaged in the ethnic ‘Othering’ of the 78 Sri Lankan asylum seekers on board the *Oceanic Viking*, by depicting them as immoral criminals and security threats. According to Senator Julian McGauran of the Liberal Party, Prime Minister Rudd’s weakness in decision-making was notorious in relation to the *Oceanic Viking* incident. He claimed a situation had arisen,

> where 76 Sri Lankans held hostage and blackmailed a nation. Even though ASIO advised that five of the Sri Lankans on board the *Oceanic Viking* were a security threat, they were still allowed into this country – and they are still here (Commonwealth of Australia 2010g: 3782).

While Prime Minister Rudd was vilified for being soft in his handling of the incident, the asylum seekers on board the vessel were stigmatized as conniving blackmailers who presented security threats, having successfully infiltrated the *demos*. On 18 November 2009, Malcolm Turnbull, the leader of the Opposition claimed:

> Given the Prime Minister says… that all asylum seekers in Indonesia will now be resettled within four to 12 weeks, receive daily assistance with their claims from Australian officials and receive access to housing assistance, medical care, income support and help to find a job, has the Prime Minister sought advice on how many extra boat arrivals will result from this *very public weakening* of Australia’s border protection policies? (Commonwealth of Australia 2009c: 12063)
Such in-group stigma was used to undermine the positional power of de-securitizing actors in the Labor Party, who advocated norms of human rights and humanitarianism, and to wedge the party. Asylum policy presented a sharp dual constituency issue for Labor, whose electorate was divided into progressive activists who advocated human rights and a humanitarian approach to asylum policy, and the more traditional blue-collar voters who were “unnerved by unauthorized boat arrivals” and sought “punitive action: whatever it takes to stop the boats” (Gillard 2014: 448). Further, the in-group stigmatization of Prime Minister Rudd by members of the Liberal-National Coalition would constrain Rudd’s humanitarian asylum policies.

The Migration Amendment (Immigration Detention Reform Bill) would have required a Senate majority of 39 votes, and appeared to have the support from the Australian Greens and independent Nick Xenophon. The remaining vote would have had to come from Family First Party’s Steve Fielding or a Liberal-National Coalition Senator. Although the Australian Greens supported the introduction of the bill, they were only willing to let it pass subject to additional recommendations. The Greens, Mr. Nick Xenophon and Family First’s Steve Fielding shared the balance of power in the Senate and held a potentially volatile alliance of competing interests. Senator Sarah Hanson-Young of the Australian Greens was a member of the Senate Committee inquiry into the Migration Amendment (Immigration Detention Reform) Bill 2009 and proposed changes to the Bill on behalf of the Greens Party. She made 16 recommendations, including statements that the policy of mandatory detention be abolished; appeal rights be strengthened and detention durations not exceed 30 days unless a court considers it necessary and there are no effective alternatives. The Greens’ recommendation to abolish the policy of mandatory detention, first introduced by the Keating Labor government in 1992, was perhaps the most significant of the party’s conditions for passing the legislation. As Sarah Hanson-Young argued,

> The original intent of the Migration Amendment Act when it was first introduced by the Keating Labor government in 1992 was to support the policy of mandatory detention.
through using it as a temporary measure for a designated group of unauthorized persons who arrived by boat between 19 November 1989 and 1 September 1994 – and here we are today (Commonwealth of Australia 2009a: 5801).

Senator Hanson-Young also recommended that Section 4AA of the Act be amended to prohibit minors from being detained in any facilities that have similar conditions to detention centres and that a Commonwealth Commissioner for Children be established to oversee any detention; that proposed paragraph 4AAA(1)(b) be removed from the Bill; that the term ‘unacceptable risk’ be clearly defined and inserted into the Migration Act and that individualized assessment of risk occur; and that an authorized officer be required to consider and determine whether to grant a temporary community access permit (Karlsen 2009: 18). Until November 2009, as members of the NCR, the Labor Party remained committed to upholding norms of humanitarianism and human rights in asylum policy that were prevalent in Senator Hanson-Young’s recommendations. However, the in-group stigma exerted by members of the HNC proved important in shifting the Labor Party’s policies towards those of the Opposition, which were premised on exclusion and securitization.

In November 2009, Labor’s policy ambivalence resurfaced with governmental plans to suspend the processing of all new refugee claims from Sri Lankan and Afghan asylum seekers, which came into effect on 9 April 2010. These changes signalled the Labor Party’s reversal on human rights and humanitarianism with regard to asylum policy, and a partial return to the HNC, where exclusionary norms on asylum policy are undisputedly endorsed and enforced. In justifying his turnaround on asylum policy, Prime Minister Kevin Rudd asserted that the suspension was made “as a result of the changing circumstances in those two countries” and that, “[t]he government’s view is simple: if someone’s claim for asylum is not legitimate, they’ll be sent home” (Franklin and Taylor 2010). Rudd’s hardline approach to asylum also saw the incarceration of people smugglers and renewed emphasis on deportation of failed asylum seekers, more specifically, ‘bogus’ asylum seekers, i.e. persons
who “do not qualify as genuine refugees” (Commonwealth of Australia 2009d: 12260). He claimed,

Our approach is very clear when it comes to dealing with people smugglers. It is a hardline approach, and that is one, which has already seen the incarceration of people smugglers, it has seen the prosecution of people smugglers, it has seen also those, which are currently before the courts, and we have had a large number of those indeed. Also, our approach is consistent in terms of being responsible in dealing with genuine asylum seekers, as is our policy in sending back home those who do not qualify as genuine refugees. That is our approach, and that is the policy, which has been applied by the border protection committee in its dealings with this matter (Commonwealth of Australia 2009d: 12260).

While Rudd’s hardline approach aimed to secure support from wavering voters who wanted punitive asylum policies, it contravened the humane asylum policy that Rudd’s Labor Party had committed to in the lead-up to the 2007 federal election. Still, the Liberal-National Coalition continued to stigmatize the party for vacillating between hard and soft policies.

In a parliamentary debate on 25 November 2009, Opposition Leader, Malcolm Turnbull, stigmatized Labor for allegedly “weaken[ing] Australia’s border protection laws” through the humanitarian asylum policies that were introduced during Rudd’s first year as Prime Minister (Commonwealth of Australia 2009b: 12841). In an attempt to ameliorate the stigma experienced as a consequence of Labor’s policy ambivalence, Rudd strengthened deterrence measures by increasing the number of arrests and convictions of people smugglers and asylum seekers involved. In defending his party from Turnbull’s allegations, including the accusation that Labor had “outsourced Australia’s refugee program to the people smugglers” (Commonwealth of Australia 2009e: 12841), Rudd signalled Labor’s endorsement of bipartisanship with the Liberal-National Coalition on the issue of people smuggling:

Can I also therefore on the broader question of action on people smuggling, given that that is the question which has been asked me, refer the Leader of the Opposition also to
the 63 arrests so far, the 23 convictions and the 37 who are currently before the courts… with the Indonesians, some 89 disruptions involving some 2,221 people, resulting in 28 arrests; with Malaysia, some 15 disruptions involving 552 people, resulting in six arrests; and prior to the news that I gave the House this morning about Sri Lanka, some 15 disruptions already, involving some 260 individuals. These are the practical actions in which we are engaged (Commonwealth of Australia 2009e: 12841).

On the eve of an election year, and in response to stigma wielded by the Liberal-National Coalition members of the HNC to undermine Rudd’s positional power, the Labor Party began to dissociate from its humanitarian obligations to asylum seekers in order to prevent its conservative constituencies from turning to the Coalition on account of Labor’s perceived impotence in protecting Australia’s borders (Gillard 2014). Re-securitization, in this respect, indicated the limits of Rudd’s attempt at de-securitization. As the 2010 federal election drew nearer, the Liberal-National Coalition continued to present Rudd’s Labor government as weak on border protection. On 31 December 2009, Abbott, the new Opposition leader, was quoted in The Australian:

If the circumstances permit it, you’ve got to be prepared to turn the boats around. John Howard was fiercely criticised for this. Nevertheless Kevin Rudd said he would be more than tough enough to turn boats around were he prime minister but he singularly failed to show any steel whatsoever since becoming our leader (Maley 2009)

The Coalition’s first campaign advertisement featured Opposition Leader Tony Abbott promising “real action” on curbing boat arrivals, with a graphic behind him titled “Illegal Immigration” showing red arrows heading towards Australia from Indonesia, Sri Lanka, Afghanistan, Iran and Iraq – a clear reference to the entry of asylum seekers on boats (Counihan 2010). In-group stigma was thus used to elevate the Liberal-National Coalition’s status as trustworthy protectors of the Australian demos, whilst de-legitimization the Labor Party.
3.3 Out-Group Stigma

The unrelentingly negative way in which the Liberal-National Coalition portrayed asylum seekers contrasted with Labor’s cautious rhetoric on asylum seekers. The out-group stigma wielded by the Liberal-National Coalition was indeed a tactic of wedge politics, used in combination with the Coalition’s depiction of the Labor government as incompetent in dealing with the existential threat presented by asylum seekers to the demos. The Labor Party’s policy ambivalence involved straddling the NCR and the HNC in the lead-up to the 2010 federal election. Although Labor refrained from stigmatizing asylum seekers by casting them as an existential threat to national security, or by dehumanizing them through discourses that portrayed asylum seekers as inhumane, barbaric ‘Others’, the Labor Party continued to implement harsher policies on asylum. Unwilling to appear soft on border protection, Rudd went over the top about people smugglers, labelling them “the scum of the earth who should burn in hell forever” (Rodgers 2009). Rudd endorsed a “hardline, tough, targeted approach to maintaining border protection for Australia”, whilst advocating humane policies on asylum (Rodgers 2009). As Labor MP Sharon Bird stated,

[Our policy] was to have a more humane framework for those who were seeking asylum
and to take a much harsher position with those who were seeking to make profits out of
the exploitation of those people (Commonwealth of Australia 2010a: 2735)

Shifting the identity of asylum seekers from threat to victim was an enduring feature of the Labor’s Party’s 2010 election campaign. In 2009, Labor’s Senator Mark Furner furthered this non-threatening construction of the ‘Other’ to hardliners in parliament by contextualizing a more ‘vulnerable’ rendition of the asylum seeker through the ‘people smuggling’ paradigm:

There are a large number of displaced people that are looking for a home to come to and
settlement in a more stable, democratic nation, such as Australia. You cannot blame
them for that. Unfortunately, they are being targeted by people smugglers who choose
to use them and who take advantage of people that are in unfortunate situations
(Commonwealth of Australia 2009b: 7003).
With broad strokes, the Rudd Labor Party promoted a policy on asylum that it claimed reflected deeper engagement with human rights norms under international law. MP Mark Dreyfus of the Labor Party challenged threat constructions of asylum seekers, arguing that the Liberal-National Coalition’s rhetoric reflected “a disgraceful fear campaign which demonizes people in need and diminishes the humanity of every Australian” (Commonwealth of Australia 2010b: 5343). In strengthening ties with various non-state actors who endorsed and enforced norms of international law, Prime Minister Rudd continued to demonstrate a deeper engagement with the United Nations and developed an increasingly activist engagement in multilateral forums in order to “contribute to the mechanisms of global governance” (McDonald 2011: 286).

4. A Closer Look at the 2010 Federal Election

In the months leading up to the 2010 federal election, the Labor Party re-established a foothold in the hegemonic norm circle, enforcing and endorsing the exclusionary norms underlying securitized asylum policies. This was the result of Liberal-National Coalition members of the HNC wielding stigma preservatively to assert both primacy and positional power over the asylum issue. In May 2010, the Rudd Labor government introduced the Anti-People Smuggling and Other Measures Bill 2010, to deter people smuggling, expand the Australian Security and Intelligence Organization’s (ASIO) charter to include border security issues and to make related amendments to the Telecommunications (Interception and Access) Act 1979. The Bill, which came into force on 1 June 2010, made amendments to the Criminal Code and the Migration Act to increase the sanctions applicable to people smuggling. Amendments were made to the ASIO Act to include the protection of Australia’s territorial and border integrity from serious threats within ASIO’s statutory charter, and to the Telecommunications (Interception and Access) Act and the Surveillance Devices Act to include people smuggling within the definition of a serious offence. Henceforth, these tools could be used to investigate allegations of people smuggling. These changes permitted the
alignment of the definition of ‘foreign intelligence’ in the Telecommunications (Interception and Access) Act with the definition of that term in the Intelligence Services Act. The approval of the Bill by both major parties reflected elements of a bipartisan consensus, and the participation of both Labor and the Liberal parties in the HNC that endorses and enforces exclusionary norms, securitizing both asylum seekers and people smugglers.

The Australian federal election of 2010 came in the wake of the unprecedented ousting of the Prime Minister who had led the Labor Party to a landslide victory, after eleven years in Opposition, at the previous election in 2007. In a move that to many would have been unthinkable, Kevin Rudd’s increasing unpopularity within his own parliamentary party finally took its toll and in late June he was replaced by his deputy, Julia Gillard. Thus, the second unusual feature of the election was that it was contested by Australia’s first female prime minister. The third unusual feature was that the election saw a first-term government, with a comfortable majority, humbled. It resulted in a hung parliament – for the first time since 1940 – and Labor scraped back into power as a minority government, supported by three Independents and the first member of the Australian Greens ever to be elected to the House of Representatives at a general election (previously, the Australian Greens’ candidate Michael Organ was elected at a by-election in 2002). The Coalition Liberal and National Opposition parties themselves had a leader of only ten months’ standing, Tony Abbott, whose ascension to the position had surprised more than a few (Bean and McAllister 2012).

The Liberals continued to stigmatize Labor for not completely relinquishing its position within the NCR.

The allocation of in-group (preservative and transformative) and out-group stigma by the Greens, the Labor Party and the Liberal-National Coalition is depicted in Table 5.2 below. In-group stigma was wielded preservatively by Liberal-National Coalition members of the HNC to ostracize the de-securitizing actors of the Labor Party, supress debate and deliberation, and elevate securitizing actors’ own positional power. Stigma was used transformatively by de-securitizing parliamentarians of the NCR to de-legitimize securitizing
actors of the Coalition, and elevate their own positional power. Figure 5.2 illustrates the Australian Labor Party’s policy ambivalence as it straddled both the HNC and the NCR. The nature of Australia’s majoritarian political system supports the preservation of exclusionary norms endorsed by the HNC, securitized asylum policies and closed borders.

**Table 5.2 Allocation of stigma by norm circles of the political elite in parliament in the 2010 election.**

<table>
<thead>
<tr>
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<th>Hegemonic Norm Circle (HNC)</th>
<th>Norm Circle of Resistance (NCR)</th>
<th>Liberal-National Coalition</th>
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<td>Greens</td>
<td>ALP</td>
<td>Lib/N</td>
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<td>(1) In-Group Stigma (Transformative)</td>
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<tr>
<td>(2) In-Group Stigma (Preservative)</td>
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<td>(3) Out-Group Stigma</td>
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4.1 The NCR and In-Group Stigma (*Transformative*)

As Hansen (2012) argues, a de-securitizing move does not involve merely the expansion of the number and kind of agents within *proximal* and *actual* norm circles, but transformation of the identities and interests of ‘Self’ and ‘Others’ (Wæver 2000: 262). Loosening of the friend-enemy distinction is a central trope of de-securitization, and this can be achieved by shifting interrelatedness – that is, by transforming “not only who the Self and its enemy are, but *what* they are” (Hansen 2012: 533). This reflects the performative aspect: “it must
instantiate the non-threatening identity of the ‘Other’ for de-securitization to be possible” (Butler 1990: 25; Hansen 2012).

Attempts at de-securitizing the issue of asylum were still evident in the lead-up to the 2010 federal election. Senator Carol Brown captured the Labor Party’s redefinition of its identity as an advocate of social democratic norms equality, humanitarianism and solidarity with asylum seekers. In her denigration of the Opposition’s inhumane treatment of asylum seekers, she humanized the dehumanized identities of asylum seekers under the HNC:

> It was those opposite who presided over a policy that put children behind razor wire in high-security detention centres… [b]ut this government, the Rudd Labor government, has long held the policy that children will not be detained in immigration detention centres. So, upon coming to government, Labor enacted this commitment. We scrapped the failed Pacific Solution that those opposite persisted with and we abolished the unjust temporary protection visa regime, implementing a more humane asylum seeker and refugee policy, including the abolition of the ineffective detention debt policy…. [t]hose opposite are determined to revive their disgraced Pacific Solution to detain asylum seekers. The Pacific Solution exercise was costly, ineffective and nothing more than a political stunt introduced by those opposite on the eve of an election (Commonwealth of Australia 2010d: 3779).

Ironically, Senator Brown delivered these statements just two days before Gillard deposed Kevin Rudd as leader of the Labor Party, and Prime Minister of Australia. Unable to veer away from the securitization of asylum, Gillard then began to move towards offshore processing of asylum seekers.

As part of both the NCR and HNC, the Labor Party experienced in-group stigmatization by politicians from both the Left and the Right, who denigrated them for not doing enough for asylum seekers in the way of human rights (the Australian Greens), and for doing too little in the way of securing Australia’s borders (the Liberal-National Coalition). The Greens’ Senator Sarah-Hanson Young astutely argued that the Labor government’s deterrent
strategies were an attempt to guard against the accusations by the Opposition of being too soft on asylum seekers. As a member of the NCR, she attempted to wield stigma *transformatively* by branding Prime Minister Rudd’s leadership as “childish” and culpable for the deviation of asylum policies from human rights norms under international law (Commonwealth of Australia 2010b: 2687). Arguing for a “mature, practical and humane” way of managing the issue, she stated,

> What is this about? It is purely so that Kevin Rudd can say: “I am as tough as Tony Abbott. I can kick refugees too. Just watch me”… But neither of them are tough, because neither of them are actually dealing with the real issue. Australia has obligations under international law to protect asylum seekers, to process their claims (Commonwealth of Australia 2010b: 2687).

The Liberals welcomed the bill, for it heralded the Labor Party’s return to the HNC with its tail between its legs. Liberal Senator George Brandis asserted that both ‘unlawful entrants’ and people smugglers constituted national security threats. In championing the strong measures introduced by the Howard government, he credited the Keating Labor government for introducing the policy of mandatory detention for asylum seekers.

In succumbing to the wedge politics utilized by the Opposition to alienate Labor’s constituencies, the Labor government committed itself to the re-securitization of asylum (McDonald 2011: 290) and the deterrent asylum policies that were trademark of the HNC. The Labor Party’s stigmatization of asylum seekers as the illegal ‘Other’ who deserved to be subject to punitive policies of deterrence was indicative of Labor’s concession to bipartisanship with the Liberal-National Coalition on inhumane asylum policies. Bipartisanship, in this regard, was Labor’s attempt to re-engage its outer suburban constituents who, it was presumed, deemed the Gillard Labor government “too soft” on border protection (Latham 2010). The form of in-group stigmatization, which led the Labor Party to shift from its de-securitization discourse towards re-securitization (McDonald 2011), will be discussed next.
4.2 The HNC and In-Group Stigma (*Preservative*)

The political rhetoric of major parties has oscillated between criticisms of policies that are too ‘soft’ – policies responsible for ‘opening the floodgates’ and perpetuating the mythical ‘queue’ – and a self-defensive stance to appear ‘tough’ on asylum policy. Where Howard and his ministers misrepresented asylum seekers as ‘queue jumpers’, ‘illegals’, ‘disease carriers’, ‘drug peddlers’ and ‘terrorists’, persons who were threatening enough to deserve permanent confinement behind razor wire, Rudd urged compassion. His words and actions were humane with the closure of detention centres in Nauru and Manus Island, the abolition of the psychological torture of Temporary Protection Visas and the relatively speedy processing of claims. However, the Rudd Labor government faced stigmatization by the Liberal Party for weakening Australia’s border protection policies and for being ‘soft’ on the issue of asylum seekers. The Rudd Labor government’s extension of compassion to asylum seekers was criticized by Senator George Brandis of the Liberal Party as a form of “phony humanitarianism,” which sadistically “encourage[d] women and children onto hazardous seas and put them in the hands of people smugglers” (Commonwealth of Australia 2010e: 3897). The government was condemned by the Liberals in question time for being ‘the pot calling the kettle black,’ with regard to its policies on the mandatory detention of children asylum seekers. On 21 June 2010, marginal Liberal MP Louise Markus accused Prime Minister Rudd of political hypocrisy, and criticized the Labor government for its failed asylum policies:

I refer the Prime Minister to the statement by the Attorney-General that there are now 508 children being detained by the Department of Immigration and Citizenship. Given this is a near 25-fold increase on the 21 children who were being detained in November 2007 when he was elected, when will he admit that the government’s border protection policies are neither effective nor compassionate? (Commonwealth of Australia 2010g: 6106)
Liberal politicians are unequivocally members of the HNC who wield stigma *preservatively*. Members of the HNC exercise *preservative* agency by stigmatizing deviant in-group members, thereby urging their conformity with exclusionary norms. In-group stigma exercised by the Liberal-National Coalition labelled Rudd’s Labor government as weak, irresponsible, culpable for the ‘illegal’ immigration of boat people to Australia, and for compromising Australia’s national security. In a parliamentary debate on 15 June 2010, Senator Ian MacDonald of the Liberal Party stated that the “decision of the Labor Party to open up the borders” and its “soft approach to border protection,” had left the government short of facilities in which to house the “ever-increasing number of illegal immigrants” (Commonwealth of Australia 2010b: 2682). The construction of the ‘Other’ as the ‘existential threat’ now extended to the asylum seekers’ complicity in the crime of people-smuggling. In his speech, Senator George Brandis of the Liberal Party referenced the ‘product’ being sold by people smugglers and the selling of a ‘service’ to asylum seekers dubbed as ‘clients’. For Brandis and the Liberal-National Coalition, the business model encouraged by the Rudd government was one that allegedly gives people smugglers the capacity to say to their clients: “[w]e will guarantee you arrival on Australia’s shores. We will guarantee that you will be able to avail yourselves of Australia’s refugee assessment system, from which you are highly likely to receive a favourable outcome” (Commonwealth of Australia 2010b: 2683).

In response to cumulative stigmatization, which served to de-legitimize the Rudd Labor government, Labor eventually succumbed. After Gillard ousted Rudd as Prime Minister, she sought to “implement a return to offshore processing” in an appeal to disenfranchised blue-collar voters (Gillard 2014: 452). However, Gillard’s intention to restore confidence in the electorate went further than just revamping offshore processing. Echoing the exclusionary, punitive policies of Liberal-National Coalition members of the HNC, Gillard stated,

> I wanted to move further and implement an arrangement whereby an asylum seeker who came by boat would never be able to settle in Australia (Gillard 2014: 452-3)
In the months that followed its re-election, the Gillard Labor government expanded border control measures, despite warnings from mental health experts that overcrowding in detention centres, extensive delays in the processing of asylum seeker claims and offshore processing would lead to the kind of extreme examples of self-harm that were exhibited in the Woomera and Baxter detention centres in 2002. A reversion to endorsing exclusionary forms of ethnic national identity ensued, with the release of new refugee selection criteria, applicable only to Afghan asylum seekers, in October 2010. Under the new guidelines stipulated by the Immigration Department, it was significantly more difficult for Afghan nationals to be recognized as refugees, as they had to prove they face a real chance of persecution, rather than one that is not remote or far-fetched. Coupled with the Gillard government’s move to finalize a deportation arrangement between Australia and Kabul, this paved the way for hundreds of Afghan asylum seekers to be expediently refused and deported (ASRC 2010). The campaign of fear and ostracization of the ‘Other’ continued through emphasis on the illegality of asylum seekers arriving by boat via the criminal activity of people smuggling.

On 7 May 2011, Prime Minister Gillard, together with Malaysian Prime Minister Datuk Seri Najib Tun Razak, announced an agreement had been reached to swap 800 future ‘irregular maritime arrivals’ from Australia with 4,000 UNHCR recognised refugees from Malaysia over the next four years (Commonwealth of Australia 2011a). Brandishing the people smuggling issue as a cornerstone for a regional cooperation framework, Gillard argued,

We want to work through a regional approach. That is what the Bali framework was about. Under the auspices of that Bali framework we are negotiating a transfer agreement with Malaysia...We have a choice here between a regional solution and a one-out plan. We have a choice here between a solution that sends the message to people smugglers, ‘If you ply your trade and try to bring people to Australia they will not end up in Australia,’ and the Leader of the Opposition’s weaker position, which is that they will end up in Australia after some time on Nauru. That is the difference
between the two positions. Ours is a more effective approach to taking out of the hands
of people smugglers that very product that they seek to sell to asylum seekers
(Commonwealth of Australia 2011d: 5845).

By strongly advocating her confidence in the Labor Party’s ‘Malaysia Arrangement’, and
declaring it the “more effective approach” to curtailing boat arrivals, Gillard embraced a
bipartisan race to the bottom on asylum policies. As MP Jamie Briggs, Liberal member for
Mayo, once contended, “you cannot be tough and humane at the same time in relation to
asylum seekers” (Commonwealth of Australia 2011c: 4955). Gillard’s Labor government
renewed a hardline bipartisan policy on asylum by politicizing the illegality of asylum
seekers’ entry into Australia through the use of people smugglers. In so doing, the
criminalization of asylum seekers followed a common pattern along the lines of ethnic
‘Othering’: it involved, for the most part, asylum seekers from Afghanistan, Iran, Iraq,
Pakistan and other Middle Eastern countries who boarded migrant smuggling vessels bound
for Australia. Under the Gillard government, the Deterring People Smuggling Act 2011
(Cth) (‘Deterring People Smuggling Act’) introduced new Section 228B into the Migration
Act to clarify that the circumstantial element of smuggling an asylum seeker with no lawful
right to come to Australia is met if the person does not hold a valid visa to enter Australia –
regardless of Australia’s obligation to protect such persons under the Refugee Convention or
for any other reason (Parliament of Australia 2011). In the next section, these ethnic
conceptualizations of nationhood, which were used to exclude the stigmatized ‘Other’, will
be explored.

4.3 Out-group Stigma

In Australia, the subordinate norm circle of resistance (NCR) endorses norms of international
law, which are largely suppressed in parliamentary deliberation and debate. The dominant,
hegemonic norm circle (HNC) of the political elite enforces norms of border security that
view asylum seekers as ‘Others’ who are inferior, less worthy and dangerous. In this case,
political actors of both major parties, as members of the HNC, enforce norms of exclusion driven by the fear of asylum seekers and contempt for people smugglers, thereby generating the strongest influence in defining the acceptable and unacceptable. As Phelan, Link and Dovidio (2008: 364) suggest, such “stigma based on norm enforcement may be difficult to eradicate without changes in social norms.”

2010 was a significant year of controversial refugee policy reform for the Government. On April 9, the Rudd Labor government announced the immediate suspension of processing new asylum claims from Afghanistan and Sri Lanka due to the changing circumstances in both countries. There would be no processing of new asylum claims by Sri Lankan nationals for three months and by Afghan nationals for six months. The fact that the freeze was limited to Afghans and Sri Lankans arguably violated the non-discrimination provision of the Refugee Convention, which prevents discrimination on the basis of a refugee’s country of origin – Australia was a member of the six-member committee that drafted this provision. The policy was also in breach of Australia’s non-discrimination obligations under other the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, which prohibit states from treating particular groups of non-citizens differently, unless in so doing they pursued a legitimate aim and that the means used to achieve it are proportional (McAdam and Murphy 2010). In introducing or reinforcing exclusionary norms of ethnic national identity, the policy had the effect of indefinitely freezing the status of Sri Lankan and Afghan asylum seekers in arbitrary detention. This was a clear breach of international human rights law, and a violation for which the Australian government has been criticised on numerous occasions by the UN Human Rights Committee and other international and domestic bodies. Other norms of international law that were breached through this process of ethnic ‘Othering’ were asylum seekers’ rights to due process under international law, including the right of access to a procedure within a reasonable time. As Professor Jane McAdam argues, “due process is essential to ensure that substantive rights can be accessed” (McAdam and Murphy 2010).
For the Gillard Labor government, asylum seekers were presented less as a threat to family values and the Australian ‘way of life’, but rather, as people who were ‘desperate’ and the ‘victims’ of people smugglers. While no longer overtly demonized, asylum seekers who arrived in Australia by boat nonetheless remained de-legitimized through judgments made of their deservedness of protection under international law. This was the result of Gillard conceding to the wedge politics used by the Opposition to isolate Labor from its progressive constituents, and alienate some Labor traditionalists who considered the Gillard Labor government weak on the issue. Gillard (Gillard 2010b) aimed to steer a middle path between right and left, empathizing with members of the electorate who were anxious about boats arriving, as well as those concerned about children behind razor wire. At the Lowy Institute on Tuesday 6 July 2010, Prime Minister Julia Gillard gave her first major policy speech as Prime Minister, in which she argued,

No one should have an unfair advantage and be able to subvert orderly migration programs… hardworking Australians who themselves are doing it tough [must] know that refugees allowed to settle here are not singled out for special treatment… [or] get an inside track to special privileges (Gillard 2010a).

Gillard’s rhetoric undermined empathy for ‘queue-jumping’ asylum seekers arriving by boat, who violated the Australian ethos of fair play. Drawing on the ‘us’ vs. ‘them’ paradigm of Othering, she vowed to “stop the boats not at our shoreline but before they even leave those far away ports” (Gillard 2010a). The Labor Party’s policy ambivalence manifested in the Gillard government’s humanitarian concern for select groups of asylum seekers, but not for others. Gillard displayed little empathy for adult asylum seekers, but showed motherly concern for their innocent children (Gillard 2010c). In this way, the Labor Party demonstrated their affinity and belonging to the HNC, whilst alluding to the human rights norms that were championed by the Rudd government between 2007 to mid-2009. On the question of releasing children from immigration detention facilities, the Minister for Immigration and Citizenship, Chris Bowen, announced:
This is a controversial and emotive issue. When the Prime Minister and I announced this measure, an Essential poll, for example, found that 53% of people disapproved of the government’s decision to move children and their families out of immigration detention centres. Only 33% approved. We clearly did not do this because it was popular. We did this because it is the right thing to do. Whatever one’s views about asylum seekers, I would hope the House would agree that we have a special duty of care to children… Regardless of whether they are recognized as genuine refugees or returned to their homeland after consideration of their claims, they should be given the chance to learn and grow while they are here (Commonwealth of Australia 2011b: 1870).

Gillard used figures on the low numbers of asylum seekers to try to undermine Abbott’s scare campaign (O’Brien 2010a). Nonetheless, cautious about appearing soft on asylum seekers, the Gillard government maintained a hardline on people smuggling. In March 2011, Mr. Bowen made the following statement in a parliamentary debate on asylum issues:

> It is well known that I believe, and the government believes, there needs to be an international solution to break the people smugglers’ business model. But, while children’s refugee claims are being processed in Australia, they should be treated with care (Commonwealth of Australia 2011b: 1868).

The demonization of asylum seekers, which reached its height under the Howard government, was largely replaced by a focus on the evil of people smuggling by the Rudd and Gillard Labor governments. Gillard’s emphasis on punitive policies signified that she thought it impossible to challenge the dog-whistle approach to securitization that had been established by Howard (Bossio 2008). Even though Gillard did not explicitly use racist or xenophobic rhetoric, her discourse and securitization moves had the same political effect because of the nature of the majoritarian political system. Further, unlike the major parties of the HNC in Sweden, the Gillard government did not challenge the ethnic nationalism underlying the use of out-group stigma and exclusionary asylum policies. This is a key difference to Sweden, where the legitimacy of rhetoric used by Sweden Democrats was challenged.
Significantly, members of the Liberal-National Coalition were not inclined to displace discourse on the criminality of people smuggling as it corresponded squarely to the HNC’s discourse on securitization (Cameron 2013). The targeting of people smugglers rather than asylum seekers serves to maintain punitive strategies by appealing to a broader spectrum of voters and allows the Australian government to frame its punitive responses as the fulfilment of its international obligations under the United Nations Convention against Transnational Organized Crime, which includes the Protocol against the Smuggling of Migrants by Land, Sea and Air. Most importantly, understanding the arrival of asylum seekers by reference to the concept of organized crime obscures the needs and experiences of asylum seekers, who necessarily continue to bear the brunt of Australia’s deterrence efforts.

5. A Closer Look at the 2013 Federal Election

The asylum issue sharply polarized the electorate in the 2013 federal election. Both major political parties adopted tough policies ahead of the September 2013 polls, leaving little difference between their policies. Prime Minister Julia Gillard’s popularity had diminished from 52% at the start of 2013 to 38% by mid-year (Colebatch 2013). A comparison of Fairfax-Nielsen polls in the 2010 campaign with those in the first half of 2013 showed Gillard’s net approval rating falling by 33%. On 26 June 2013, Rudd was elected Leader of the Labor Party, with the caucus voting 57-45 in his favour. At the time, key Labor MPs such as Bill Shorten switched allegiance from supporting Julia Gillard to Kevin Rudd for Prime Minister and leader of the Labor Party (Ireland 2013).

When Gillard displaced Rudd as the leader of the Labor Party in the pre-election campaign of 2010, she ostentatiously abandoned all the policies to which conservatives had been most hostile. Similarly, when Rudd unseated Gillard in the 2013 federal election, he did exactly the same: each Prime Minister conforming more to the HNC than the other. In contrast to the party infighting of the Labor government, Tony Abbott’s team was comparatively stable and
relatively unchanged from the 2010 campaign. The Abbott-led Liberal-National Coalition, which won the 2013 election, campaigned in part on a “stop the boats” platform. To assuage a burgeoning anti-asylum campaign led by the Liberals, Gillard embraced ever more punitive measures, eventually excising the Australian mainland from its migration zone. Rudd went further, condemning all boat arrivals to be mandatorily detained in Papua New Guinea. However, rather than reclaiming ground from the right, Labor’s evolution only normalized the securitization rhetoric of the Liberals, even as the entire asylum debate became unhinged.

The fundamental difference between the political campaigns of the Labor government in 2010 and 2013 was the gradual relinquishment of the party’s membership of the NCR, and its fierce re-engagement with the HNC leading up to the 2013 election. From a critical realist perspective, I argue that this transition reflects a moment of crisis in the collective psyche of the Labor Party. Jonathan Joseph (2002: 38) has suggested that “moments of structural crisis tend to throw the process of unconscious reproduction into question and agents become more aware of the situation confronting them and the possibilities open to them.” As agents become aware of their transformative capabilities at this time, “then certain other agents will attempt to resist this” (Joseph 2002: 38). The process of transformation encounters resistance from political actors who have an interest in maintaining the hegemonic structure, or HNC, as it is. Members of the HNC, particularly those of the Liberal-National Coalition, engaged in an act of conservation by wielding in-group stigma preservatively. As Table 5.3 and Figure 5.3 depict, the causal power of this norm circle prompted the Labor Party to release itself from its double bind and conform to the rules-of-the-asylum-game as governed by the HNC. Thus, struggles ensued over transformation and preservation of the hegemonic, exclusionary norms institutionalized in Australia’s securitized structures surrounding asylum seekers. In this moment of crisis, the Labor Party renounced its participation in the NCR, by endorsing and enforcing the exclusionary norms underlying the Labor Party’s and the Liberal-National Coalition’s policies, to preserve rather than transform the ‘master-slave’ power relations between the state and the asylum seeker.
Table 5.3 Allocation of stigma by norm circles of the political elite in parliament in the 2013 election.

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<td>(3) Out-Group Stigma</td>
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Figure 5.3 The HNC and NCR on two political dimensions of asylum policy in the 2013 federal election.
5.1 Out-group Stigma

In April and May of 2011, two riots broke out at the Christmas Island offshore detention centre and at Villawood in Sydney. Catherine Branson, President of Australia’s Human Rights Commission, condemned the treatment of asylum seekers at these detention centres, noting that their prolonged detention was causing serious mental problems (BBC News 2011). At the Villawood detention centre, some detainees sewed their lips together in protest at their treatment. Australian evidence supports the conclusion that the number of incidents and rate of self-harm, which peaked during this time, was due to the steady increase in the average length of detention, as well as the rapid rise in the numbers of people in detention (Commonwealth Ombudsman 2013: 2). Concerns were raised by various actors, including the office of the Commonwealth and Immigration Ombudsman, the Australian Human Rights Commission, and the Detention Health Advisory Group, about the operational challenges and escalating rates of self-harm, but despite this both major parties resorted to even more punitive policies (Commonwealth Ombudsman 2013: 4).

The criminalization of asylum seekers in detention was jointly enforced and endorsed by both major parties (as members of the HNC) through the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011. The bill ensured that anyone who committed a criminal offence while in immigration detention would fail the character test, thus enabling the Minister to refuse or cancel a visa on this basis. As marginal seat MP Graham Perrett of the Labor Party asserted, “[t]his nation will neither embrace nor protect those who bite the nation’s hand” (Commonwealth of Australia 2011c: 5049). The Bill affirmed the Gillard Labor government’s position in the HNC, as well as the abandonment of Labor’s efforts to resist the construction of asylum seekers as the deviant ‘Other,’ signalling the party’s concession to the re-securitization of asylum. The Bill, which was passed by the House of Representatives and the Senate on 4 July 2011, breached the human right of equality before the law and unduly stigmatized asylum seekers convicted of minor offences. The human right of equality before the law is enshrined in Article 26 of the
International Covenant on Civil and Political Rights, which reads:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Under the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011, asylum seekers in detention centres would automatically fail the character test – an essential requirement for a visa – simply because of the location of their offence, rather than the more legitimate criterion of the gravity of the offence committed (Dastyari and Joseph 2011). Thus, an asylum seeker is now faced with the possibility of being denied refugee status even if found to be a genuine refugee, which is a policy in breach of *jus cogens* norms of international law and Australia’s obligations under the Refugee Convention.

When Prime Minister Julia Gillard re-instated the Pacific Solution in August 2012, she sought the penalization of asylum seekers based on their mode of arrival under a policy that violated the *jus cogens* norms of non-refoulement and the prohibition of torture. In defending the Labor government’s disregard for Australia’s obligations under international law, Gillard argued,

The hardline approach, in my view, does have a humanitarian underpinning which is we do not want people taking that journey and running those risks. Our message to [asylum seekers is] don’t try and make the journey by boat. You may not survive; your children may not survive (Gillard 2015).

While allegedly implementing humanitarian policies, the punitive and deterrent nature of offshore processing re-established asylum seekers arriving by boat as persons who posed a threat to the *demos* – a construction first established under Howard’s Pacific Solution.
According to Gillard, the integrity of Australian borders and values, in particular the value of ‘fair play’, were under threat by boat arrivals who allegedly subverted orderly migration processes (Gillard 2010a).

On 5 June 2013, Gillard requested an independent inquiry into the management by Australian government agencies of people seeking asylum who present complex security issues, with particular reference to Sayed Abdellatif. Following the inquiry, the Australian Security Intelligence Organization (ASIO) and Australian immigration initiated tightened security assessment procedures and were given expanded powers to indefinitely detain asylum seekers arriving by boat (Australian Government 2014c: 67). With bipartisan support, the Migration Amendment Bill of 2013 was passed on 14 May 2014 by the Abbott-led Liberal-National Coalition government, thereby entrenching the exclusionary notion that refugee status is to be denied to anyone subject to an adverse security assessment. The Bill incorporated the rule that adverse assessments cannot be reviewed by an independent tribunal, and that asylum seekers subjected to an adverse security assessment by the ASIO could be detained indefinitely. Even though the Inspector-General of Intelligence and Security, Vivienne Thom, found that Abdellatif had not been convicted of terrorism-related offices and that he was not a threat to national security, he remained in high-security detention in Villawood Detention Centre (Ackland 2015). The stigmatization of the Muslim ‘Other’ through securitization speech acts, which were accepted and enforced by the HNC, resulted in the heightened capacity of the Australian government to brutalize asylum seekers without redress, and expand the non-reviewable powers of government agencies to block, indefinitely detain, and refoule asylum applicants.

In July 2013, close to 90% of asylum seekers arriving by boat were being granted refugee status. The Foreign Affairs Minister of the Labor government, Bob Carr, suggested that the tribunals should take new country assessments into account when deciding on the claims of asylum seekers from countries including Iran, Afghanistan and Vietnam. Carr asserted that these groups of asylum seekers were in fact economic migrants. He claimed,
These are not cases of people under persecution who have cobbled together, in their desperation, money to buy a fishing trawler and set out onto the high seas; these are people who have been captured by money-making criminal syndicates, and you will not recognise it… These are increasingly not people fleeing persecution, because in respect of Iranians, for example, they come from majority ethnic and religious groups. The evidence before us is they are economic refugees, not people fleeing persecution, and are being brought here by people-smugglers (Commonwealth of Australia 2013c: 4276).

The continuing disproportionate and arbitrary detention of Egyptian asylum seeker, Sayed Abdellatif, who was subject to an Interpol ‘red notice’, but subsequently had all charges withdrawn, exemplifies the HNC’s shameful brutalizing of the Muslim ‘Other’. On 18 June 2013, West Australian Senator Michaelia Cash criticized the Gillard government, and denigrated Sayed Abdellatif as a threatening symptom of the Labor government’s alleged complacency in relation to border protection. Cash constructed boat people as an existential threat to the Australian demos by conflating Muslim boat arrivals with high profile terrorists like Osama bin Laden. She labelled the government incompetent and irresponsible for overlooking the alleged national security risk posed by the Muslim ‘Other’ arriving by boat:

In relation to the Egyptian terrorist – the man with an INTERPOL Red Notice issued against him – who came here by boat… [t]he question that the Australian people need to ask is: how does it happen that a convicted jihadist terrorist can present himself to ASIO, the Federal Police and the immigration department and no-one seems to pick up that he is a convicted jihadist terrorist with an INTERPOL Red Notice against his name? The seriousness of the INTERPOL Red Notice has to be taken into consideration, because there was another man who had an INTERPOL Red Notice against his name and that man was Osama bin Laden (Commonwealth of Australia 2013b: 3203).

The Liberal-National Coalition wielded out-group stigma to perpetuate a discourse of fear, apprehension and distrust of asylum seekers to ultimately secure the acceptance of their securitization speech acts by a parliamentary majority, consisting of members of the HNC.
The Coalition’s use of out-group stigma was used to suppress debate, deliberation and resistance from within the Labor Party. It was an appeal to marginal constituencies, brandishing superiority in eliminating the threat posed by asylum seekers. Gillard’s submission to the Liberal-National Coalition’s oppressive partisanship was evident in her stigmatization of boat arrivals as persons who presented as victims of war and persecution, but who were also complicit in undermining the integrity of Australian values and the nation’s sovereign borders.

5.2 The NCR and In-Group Stigma (*Transformative*)

By 2013, Labor had decisively departed from the NCR, leaving the Australian Greens to singularly endorse and enforce norms of international law and solidarity with asylum seekers. The voice of human rights in parliament was marginalized even further as the 2013 federal election saw the Greens vote fall from 11.8% in the House of Representatives and 13.1% in the Senate to 8.7% in both Houses. Coupled with the Labor Party’s loosening of its alliance relations with the Greens, the party was unable to wield stigma *transformatively* in relation to asylum policy. Senator Scott Ludlam observed that the Labor government’s departure from the NCR was based purely on “political inconvenience” (Commonwealth of Australia 2013c: 4276). He stated,

> So it has become an unsustainable political inconvenience for those in the Labor Party – good people many of them – who stood with the Greens in former times against the horrors and the excesses of the way in which the Howard government conducted the gutter politics on people fleeing violence and persecution. Now, the Labor Party has joined them there (Commonwealth of Australia 2013c: 4276).

With marginal support from the Independents, the Greens were a lone voice in parliament, insisting that Australia remain a safe harbour for persecuted asylum seekers, Ludlam stated,

> The Greens will stand against this kind of abuse – this kind of cheap political tactic at the expense of some of the most vulnerable people on earth…. If the Labor Party is
choosing to abandon that principle in the teeth of an election… we will take [the] issue right up through and beyond the next election so that people will have no doubt at all who is maintaining that humanitarian spirit in this parliament (Commonwealth of Australia 2013c: 4276).

The party’s attempts at wielding stigma transformatively were significantly hampered by the de-sensitization of the Labor Party to in-group stigma, as a consequence of its incorporation within the HNC entirely. This left little room for the Greens to influence Australia’s commitment to its humanitarian and legal obligations to asylum seekers and refugees under the Refugee Convention 1951 and its Protocol. Nevertheless, the Greens continued to challenge the hegemonic threat construction of asylum seekers as ‘criminals’. They advocated that the issue be addressed on humanitarian grounds rather than border security or defence, and that people seeking asylum be treated with compassion and dignity (The Australian Greens 2013).

5.3 The HNC and In-Group Stigma (Preservative)

The Liberal-National Coalition stigmatized the Gillard Labor government for its culpability in what was termed, “the worst border security crisis in the history of [the] nation” by National MP George Christensen (Commonwealth 2013c: 4338). In 2013, the Gillard government saw the largest ever influx of asylum seekers arriving by boat in Australia with 300 boats carrying 20,587 asylum seekers (Phillips 2014: 2). Christensen argued that the influx was a consequence of “dismantling” policies “that actually worked” (Commonwealth of Australia 2013c: 4338).

In May 2013, the Liberal-National Coalition condemned the Labor government and its alliance for scrutinizing the way the ASIO made adverse assessments of asylum seekers. In his address to parliament, then Shadow Minister for Immigration and Citizenship, Mr Scott Morrison of the Liberal Party, condemned Labor parliamentarians for their alleged negligence in purportedly ignoring the security threat that asylum seekers posed. Morrison
argued that, under the Labor government, such asylum seekers were left “in the community with serious criminal charges pending”, suggesting that the Gillard government was “certainly not [t]here to protect our borders” or “to put national security as the key and first priority of the national government” (Commonwealth of Australia 2013a: 4329).

While Labor repudiated much of the Coalition’s policy when it won office in 2007, by 2013 it had strongly shifted ground to embrace key parts of the Liberal-National Coalition’s policies, harking back to the Howard government’s approach, including offshore processing. On 19 July 2013, Prime Minister Kevin Rudd unveiled a new hardline asylum seeker policy, declaring that all asylum seekers who arrived by boat without a visa would be sent to Papua New Guinea and would never be settled in Australia. Under the PNG offshore processing and settlement scheme, all asylum seekers who arrived by boat would be sent to Papua New Guinea for processing while recognized refugees would be settled permanently in PNG. Those found not to be refugees would be held in detention, sent home or to a third country. The scheme was advanced on the conceit that boat arrivals would have no chance of being settled in Australia. The Manus Island detention centre would be expanded while asylum seekers would possibly be detained in other parts of PNG. According to the Government, there would be no limit on the number of people who can be transferred to PNG under the deal. The 2013 change in Labor policy left little difference between the policies of the two major parties. The Fairfax-Nielsen poll, of 15-16 July 2013, asked which of the major parties ‘would be best for handling asylum seekers?’ Prior to the 2010 election, the Fairfax-Nielsen poll found that 42% supported Labor to handle the asylum issue and 44% the Coalition. In July 2013, 34% supported Labor (down 8%) and 54% the Coalition (up 10%). The ‘don’t know’ response was 13% (Markus 2013: 40). The Greens, in contrast, advocated the closure of Australia’s offshore detention centres; completion of health, security and identity checks in a maximum of 30 days; the fostering of regional cooperation to deal with the asylum problem; and an increase in the annual refugee intake by 10,000 to 30,000; and the granting of work rights to refugees in Australia (The Australian Greens 2013).
The Liberal-National Coalition responded to Labor’s plan on 25 July 2013, releasing more details about its own policy to put the military and the Immigration Minister in charge of border protection. The Coalition promised a military-led response to deal with the issue of people smugglers and to protect Australia's borders. In announcing the policy ‘Operation Sovereign Borders’, Opposition Leader Tony Abbott declared that the continued arrival of asylum seekers by boat constituted a “national emergency” (Wroe 2013). Under the Liberal-National Coalition’s proposal, the extension of militarized capabilities to securitize asylum would involve the appointment of a three-star commander to lead a joint taskforce involving the dozen or so government agencies directly involved in border security. The commander – a vice-admiral, air marshal or lieutenant general – would report directly to the Minister of Immigration. The Coalition’s policy document stated,

Our current disjointed institutional arrangements within government do not provide an optimal structure for securing our borders...There must be one person responsible with all the necessary resources of government at his or her command (Liberal Party of Australia 2013: 2).

As part of the new policy, the Liberal-National Coalition promised to lease and deploy commercial boats under this operation, to relieve Customs and Navy patrol vessels of passenger transfer duties. Opposition Leader Tony Abbott said the new system would be up and running within 100 days of a Coalition government coming to power. With regard to its turning back the boats policy, the Coalition promised to reinstate the Howard-era policy of directing the Navy to turn boats back to Indonesia “when it is safe to do so” (Liberal Party of Australia 2013: 5). As part of this policy, the Coalition pledged to provide support to transit countries, including Sri Lanka and Indonesia, where possible, to intercept boats leaving their shores. However, it will rarely be safe, or legal, to turn back boats, owing to the immediate risk posed to the lives asylum seekers on board the typically unseaworthy vessels, as well as the danger that they may be returned to persecution or other forms of torture. Under the Howard government, the Navy as part of Operation Relex intercepted a total of 12 boats
Of those, four were successfully turned back to Indonesia, three sank at some point during the process (most passengers were rescued but two died) and the remaining five boats were transferred to an Australian-run Immigration Detention Centre for processing. This was a highly contentious policy that has since been revived. Turning back boats places Australia at risk of violating its obligations under the Refugee Convention and human rights law, particularly the *jus cogens* norm of non-refoulement and also maritime law. This is especially so because the Navy has no clear processes in place to identify refugees.

As part of the HNC, the Liberal-National Coalition drew heavily on securitizing agents such as the Australian Security Intelligence Organization (ASIO) and military commanders, in order to legitimize its construction of asylum seekers as both national security and terrorist threats to which the Australian public have been made vulnerable. When the Liberal-National Coalition implemented Operation Sovereign Borders on 18 September 2013, the Abbott government escalated the issue of asylum to crisis levels by declaring a state of emergency that warranted military intervention. In militarizing the campaign against boat arrivals, MP Scott Morrison, Minister for Immigration and Border Protection, established asylum seekers as more than just a threat to the Australian *demos*: Australia needed to safeguard itself against a national enemy. Upon entering government, Morrison’s condemnation of the Labor government for risking the entry of criminal asylum seekers into the community, and for not delivering sufficiently punitive measures to deter their dangerous misconduct (Commonwealth of Australia 2013c: 4338) swiftly developed into an alarmist discourse of war against asylum seekers. The alarmist rhetoric simultaneously served to elevate the positional power of securitizing actors of the Liberal-National Coalition, who were deemed more competent than the Labor Party at deterring asylum seekers. At a press conference on 23 September 2013, Morrison argued,

> We’ll be doing things differently as a new government. This is a border security operation. It will be a tougher approach. Our resolve to implement what we have
promised the Australian people, to stop the boats, is absolute. Those seeking to come on
boats… will be met by a broad chain of measures end-to-end that are designed to deter,
to disrupt, to prevent their entry from Australia and certainly to ensure that they are not
settled in Australia (Morrison 2013).

On 31 January 2014, commander of the taskforce behind Operation Sovereign Borders,
Lieutenant-General Angus Campbell, continued to depict asylum seekers as security risks to
the Australian \textit{demos}. Even though the government’s policy to turn back boats had resulted
in no boat persons arriving onshore since 19 December 2013, Lieutenant-General Campbell
argued,

\begin{quote}
More work needs to be done… with regard to squeezing the business of people
smugglers, in avoiding the manipulation of prospective clients [asylum seekers]… and in
seeking to minimise, to the degree that is possible, risk to our people (Commonwealth of
Australia 2014b: 20).
\end{quote}

The Liberal-National Coalition’s use of military force to heighten the securitization of
asylum through Operation Sovereign Borders continues to be practiced in the name of
protecting Australia’s sovereignty from ‘illegal’ asylum seekers (Commonwealth of
Australia 2014b: 10).

On 14 September 2015, Malcolm Turnbull challenged the incumbent Prime Minister Tony
Abbott for the leadership of the Liberal party and won the Party vote 54-44. He formed the
Turnbull government on 15 September 2015 and continued to maintain a “steely resolve” on
Operation Sovereign Borders, resulting in turn-backs of 28 boats of asylum seekers between
2013-2016 (O’Malley 2016). Under the leadership of newly-appointed Bill Shorten of the
Labor Party, a rigid bipartisanship on the policy of boat turn-backs continued. Labor’s left
faction lost a vote in the party’s national conference in July 2015 to explicitly prohibit the
turning back of asylum boats. In so doing, the Labor Party effectively abandoned its role as
an opposition party capable of defending the human rights of asylum seekers, and upholding
Australia’s obligations under international law. The Labor Party’s endorsement of boat turn-
backs meant turning its back on regional leadership on asylum, as well as Australia’s commitment to the creation of a durable regional protection framework.

The United Nations has urged Australia to consider a wider range of options for providing regional protection to asylum seekers in the context of the challenges posed by the Syrian refugee crisis. Instead of challenging Liberal-National Coalition policies that violate the rights of asylum seekers and diminish possibilities for a sustainable regional solution, Labor has endorsed the Coalition’s draconian policymaking through a muscular bipartisanship on deterrent policies for boat people. Through the use of measures that seek to avoid transparency and accountability in relation to the practical implementation of these deterrent policies, the Australian government has deprived the Australian public of information to assess whether these policies are necessary or appropriate, and the means to comprehend the true quantum of the human, economic and strategic costs they entail.

The Labor party’s relationship to the HNC of Australia’s political elite has made it unable to circumvent the securitization of asylum. Labor’s policy ambivalence means there is no countervailing influence strong enough to support the norms of international law in the Australian parliament, which include, but are not limited to, the *jus cogens* norms of *non-refoulement* and the prohibition of torture. As the federal elections reveal, norms of international law are discarded for exclusionary norms based on an ethnic conceptualization of national identity, norms which have acquired hegemonic status amongst Australia’s parliamentary elite. The successful securitization of asylum occurs as a consequence of the stable relationship between securitizing actors and audience members of the HNC, based on their mutual endorsement and enforcement of shared, exclusionary norms that disregard international law. Ultimately, the in-group stigma wielded by the HNC in Australia results in bipartisanship on securitized asylum policies.
6. An Overview of the 2016 Federal Election

A federal election was held on Saturday 2 July 2016 to elect all 226 members of the 45th Parliament of Australia, after an extended eight-week official campaign period. The 2016 election was the first double dissolution election since the 1984 election. On 10 July, Opposition Leader Bill Shorten conceded defeat, acknowledging that the incumbent Liberal-National Coalition could definitively form either a majority or minority government.

Labor’s consolidated position in the HNC remained consistent in the lead-up to the 2016 federal election, although traces of its policy ambivalence were evident in its discourse – Labor planned to maintain a draconian policy of boat turn-backs and offshore processing, whilst advocating policy reform in a humanitarian direction. In addition to abolishing temporary protection visas, a Labor government planned to double Australia’s annual humanitarian intake to 27,000 refugees by 2025, and give $450 million over three years to the United Nations High Commissioner for Refugees to bolster its work in the region. Labor promised to speed up processing times for asylum seekers in offshore detention centres, and implement independent oversight of the facilities as well as introduce legislation to impose mandatory reporting of child abuse in all detention facilities. It promised to reinstate references to the 1951 Refugee Convention in the Migration Act and take a leadership role within Southeast Asia and the Pacific to build a regional humanitarian framework to improve the situation of asylum seekers (Australian Labor Party 2016).

In the lead-up to the 2016 election, the Liberal-National Coalition stigmatized Labor for threatening to incentivise people smugglers by permanently settling asylum seekers arriving by boat. On the topic of Labor’s intention to abolish temporary protection visas, Prime Minister Malcolm Turnbull argued,

This will send an absolutely unequivocal signal to the people smugglers that under a Labor government, anyone who manages to get to Australia on a boat will be able to stay here permanently. It will be used aggressively as a marketing tool by people
The Liberal-National Coalition sought to use asylum politics to drive a wedge through Labor’s core constituencies by splitting the twin bases upon which the social democratic electoral success of the Labor Party has historically been constructed. The Liberal-National Coalition opportunistically used asylum as a wedge issue to pit Labor’s affluent, progressive defenders of refugee rights against suburban and regional workers for whom asylum seekers symbolise the economic insecurity that is the downside of open borders. Liberal MP Peter Dutton, Minister for Immigration and Border Protection, utilized discourses of fear and xenophobia, driven by ethnic conceptualizations of nationalism, to wedge the Labor Party. In an interview with Sky News, he constructed asylum seekers as an enemy to the demos, a burden to the welfare system, and a threat to the Australian values due to their illiteracy and inability to integrate into society. In a press briefing, he stated,

They won’t be numerate or literate in their own language, let alone English. These people would be taking Australian jobs, there’s no question about that… For many of them that would be unemployed, they would languish in unemployment queues and on Medicare and the rest of it so there would be huge cost and there’s no sense in sugar-coating that, that’s the scenario (Jabour 2016).

Although wedge politics and the out-group stigmatization of asylum seekers were part of the Liberal-National Coalition’s election campaign strategy, Labor’s bipartisan support for the Liberal-National Coalition government’s policy of ‘turning back the boats’ had already been consolidated a year before in July 2015. The Coalition’s previous use of out-group stigma had already had the effect of deepening the bipartisan consensus on Operation Sovereign Borders. The leader of the Labor Party, Bill Shorten, argued that the power to turn back the boats was essential for Labor, as it has proved the key to the success of the Abbott government’s policy on ‘stopping the boats’ (Coorey 2016).

In April 2016, fractures within the Labor Party surfaced in the wake of Papua New Guinea’s new policy intention to close the detention centre on Manus Island, following a ruling from
the country’s Supreme Court that the facility was unconstitutional. Labor MPs Melissa Parke, Lisa Singh, Sue Lines and Jill Hall urged their party to contest bipartisanship with the Liberal-National Coalition on asylum policy, by processing the 850 asylum seekers on Manus Island onshore, and allowing those adjudged to be refugees to stay in Australia. However, the Labor leadership continued to endorse offshore processing on Nauru and Manus Island, despite the Papua New Guinea’s Supreme Court decision (Anderson 2016). The Labor Party was stigmatized by the Liberal-National Coalition for exhibiting strands of allegiance to norms of human rights and international law. Consequently, Labor colluded with the Liberal-National Coalition to blatantly override PNG’s national rule of law and continue offshore processing on Nauru and Manus Island, against the jus cogens norms of international law. Labor has been unwilling to dissociate itself from the HNC due to political pressures exerted in the form of wedge politics and in-group stigmatization. Labor’s humanitarian discourse remains confined to the realm of speech and not of action, while its relationship to the HNC and its endorsement and enforcement of securitization speech acts remains very stable.

In Australia, the majoritarian system facilitates the securitization of asylum, particularly in relation to how it configures relationships between political parties that constitute the HNC. Under a different, proportional electoral system, it may have been possible for the Labor Party to form a coalition government with the Greens, where both parties endorse and enforce norms of international law, human rights and humanitarianism, and the securitization of asylum may have been reversed under such a configuration of power. Preferential voting is used to elect Australia’s House of Representatives, where the successful candidate needs to win 50% plus one vote of the total formal votes cast in the seat. However, under an alternative electoral system, such as the proportional systems of continental Europe with a 5% threshold, the Australian government would have changed based on the first preference votes cast in the 2016 Australian federal election. This is because the Labor Party and the Greens, rather than the Liberal-National Coalition, would have won a majority of seats in the
House of Representatives under a proportional representation system. The first preference vote for the Liberal-National Coalition was 42% in the 2016 federal election, whereas the combined first preference vote for Labor and the Greens was 45% (Australian Electoral Commission 2016). In this hypothetical situation, the Labor Party would have a strong interest in getting support from the Greens to form government. Consequently, the configurations of power in the HNC and NCR, as well as the dominance of inclusive norms on asylum policy established through the de-securitizing actors of Labor and the Greens, would not have been so different to those in Sweden.

7. Conclusion

This chapter has demonstrated the struggles of the Norm Circle of Resistance (NCR) in relation to the Hegemonic Norm Circle (HNC) in the Australian parliament. The Labor Party’s policy ambivalence, which began under the leadership of Kim Beazley in 2001, was resolved in 2010 when the party abandoned humanitarian norms of international law, and fully endorsed exclusionary norms underlying the securitization of asylum. While part of the Labor Party has attempted to de-securitize the issue of asylum in 2007 within the norm circle of resistance (NCR), its membership in the HNC has left it susceptible to in-group stigma whenever it has tried to promote humane asylum policies, leading it to eventually disregard norms of international law in its policies on asylum. While the Labor Party played a role in advocating respect for norms of international law, and attempted to wield stigma transformatively by de-securitizing asylum in 2007-2009, the Gillard Labor government reverted to the re-securitization of asylum in the lead-up to the 2010 federal election. Although Gillard engaged in the re-securitization of asylum, the dominant securitizing actors within the HNC were members of the Liberal-National Coalition, to whom the Labor party conceded on securitization. Thus, the securitizing actor in government may not necessarily be the dominant securitizing actor within the HNC. This demonstrates that successful
securitization is dependent on the influence of the dominant securitizing actor within the HNC, who need not necessarily be a securitizing actor in government at the time.

When the 2013 federal election took place, the Labor Party was competing in a race-to-the-bottom with the Liberal-National Coalition on hardline asylum policies. The efficiency of in-group and out-group stigma wielded by the HNC to influence the acceptance of securitization speech acts was facilitated by the nature of Australia’s two-party, majoritarian political system. The securitization of asylum was effortless under these circumstances. As members of the audience of securitization speech acts, the parliamentary majority of the Labor Party and the Liberal-National Coalition were now influenced entirely by the exclusionary rules governed by the HNC. In the 2013 federal election, the Labor Party decisively resolved its policy ambivalence by shifting to the HNC and leaving the NCR, setting the stage for the 2016 election where bipartisanship on hardline asylum policies was unwavering.
Chapter 6

Hegemonic Norms and Securitization in Swedish Asylum Policy

1. Introduction

In this chapter I argue that in Sweden key political agents (non-securitizing actors and their parliamentary audiences), acting through hegemonic norm circles of the political elite, collectively reject securitization speech acts, thereby constraining political actors who attempt to exclude and securitize asylum seekers. I investigate how securitized asylum policy is constrained through the evocation of civic national identities by mainstream parties in Sweden. For securitization to work in Sweden’s multi-party electoral system, it must be perceived by audiences of the political elite as having the authority of a norm circle standing behind it. The impact of a speech act draws on the experience, not just of conventions, but of the social authority that underlies those conventions (Elder-Vass 2012: 202). In recent years, the Sweden Democrats have occupied the role of securitizing actor in the Swedish parliament, but other members of the Riksdag have wholeheartedly rejected their securitizing speech acts. I argue that this is because the hegemonic norm circle of the political elite upholds norms of international law and the principles of international refugee law such as non-refoulement and the prohibition of torture. Part of this social authority stems from dominant norms of democracy, freedom, egalitarianism, human rights and international solidarity, which have been established through Sweden’s long history of social democratic
rule, and have formed the foundation of Swedish civic national identity. These norms, which have shaped asylum policies, resonate with the state’s awareness of a global duty and responsibility for the wellbeing of migrants, particularly refugees and asylum seekers. The other part of this social authority comes from the allocation of stigma, which is used to de-legitimize securitizing actors in parliament and accrue political capital. The hegemonic norm circle that legitimizes this act comprises members who endorse norms of humanitarianism sanctioned by international law, as well as the norms of social democracy, including solidarity, equality and egalitarianism that have been established nationally.

In the first section, I introduce the Sweden Democrats as securitizing actors in the Riksdag and consider how ethnic and civic conceptualizations of national identity compete for monopoly over the ‘Folkhem’ (the People’s Home) metaphor. With the Sweden Democrats mobilizing anti-asylum policies through their exclusionary interpretation of the Folkhem metaphor, members the Swedish political elite have emphasized the strand of civic nationalism inherent in the metaphor: the folk are citizens, and the realization of the Folkhem was both enabled by, and supportive of, democratic norms of egalitarianism, humanitarianism, equality and human rights. The inclusive, human rights norms have attained hegemonic status in the Riksdag because of the endorsement by the Swedish political elite. Only the Sweden Democrats have challenged these norms. Thus, Swedish asylum policy is based on hegemonic norms of humanitarianism, international solidarity, egalitarianism and human rights.

In the next section, I examine how the Sweden Democrats and other right-wing populist parties have been stigmatized by the Swedish political elite. Although the Sweden Democrats have manipulated their experiences of stigma, using them to gain sympathy and empathy from voters, their stigmatization has limited their political success (Ramalingam 2012). Stigma is defined as a social mark isolating persons or groups as tainted and inferior. In Sweden, stigma applies to those securitizing actors who utilize ethnic national identities and xenophobia to mobilize the demos and justify restrictive asylum legislation. Stigma is a
powerful practice enacted by politicians in the Swedish Parliament to enforce a normative consensus based on human rights, justice and tolerance surrounding refugee policy and the nation.

Finally, I examine how out-group stigma in relation to refugees and asylum seekers is challenged in Sweden. In Chapter 3, I discussed the role of UN treaty-monitoring bodies as well as the European Court of Human Rights in influencing Swedish asylum policy and legislation in a humanitarian direction. In this section, I evaluate how the early integration of asylum seekers into the labour market through Swedish legislation assists in transcending the stigma associated with the negative constructions refugees and asylum seekers.

2. Stigma, Norm Circles and Securitization

2.1 Securitizing Actors, Asylum Seekers and the Riksdag

The securitizing actors of the far-right populist party, the Sweden Democrats, have in recent years shifted from utilizing a rhetoric focused entirely on ethnic elements of national identity, such as race, creed, blood and kinship, to a discourse on security that refers to civic values, including notions of ‘good citizenship’ and democracy. Reframing their anti-asylum discourse in this way has enabled the Sweden Democrats to enjoy relative success in mainstream electoral politics, winning representation in the Riksdag for the first time in 2010 with 5.7% of the vote, and more than doubling this in the 2014 election when they became the third largest party in Sweden.

The Sweden Democrats have imitated the Social Democratic Party’s formulation of Swedish national identity, based on values of social welfare, solidarity with the lower classes, and democracy. However, the Sweden Democrats’ brand of national identity is different from the Social Democratic Party’s, primarily due to the ethno-cultural preconditions, which they regard as primary for Swedish national identity. Exclusionary ethnic and cultural
preconditions have been used to legitimize the Sweden Democrats’ rhetoric of exclusion, whereby certain groups of asylum seekers are presented in terms of stereotypical images as deviant from mainstream society. Although the party has distanced itself from its neo-Nazi roots under the leadership of Jimmie Åkesson since 2005, it has continued to promote xenophobia, often provoking if not openly espousing violence (Fekete 2014).

Islamophobic discourse and propaganda disseminated by the Sweden Democrats has primarily targeted Arabs and Africans. The Sweden Democrats have harnessed the national myth of ‘the People’s Home’, which was mobilized and maintained by the Social Democratic Party as one of its tenets of Swedish national identity. The myth of ‘the People’s Home’ was an idiom of Swedish nationhood that consolidated the Social Democratic Party’s power during 1928-1932. During this period, the Social Democratic Party consciously used the language of nationhood and nationalism in order to transition from a limited ‘class party’ to an umbrella ‘national party’. Although the ethnic homogeneity of Sweden made it relatively easy to draw on ethnic or racial solidarity, the use of a purely ethnic idiom would distance the party from its equality-building, democratic aspirations. A combination of ethnic and civic strands of nationhood was therefore more desirable. Trädgårdh (2002: 77) claims that the concept of the Swedish Folkhem or ‘the People’s Home’ is predicated on an overlapping of folk-as-demos and folk-as-ethnos. He expounds the notion that Swedish self-identity is one of a people with “democracy in the blood.” Löfgren (1993) similarly identifies the lack of clear distinctions between folk (people, but also translated as nation), samhälle (society) and, to a certain extent, stat (state). The prevailing idiom of Folkhem is thus decidedly mixed. By manipulating the ethnic strand of this national myth of self-identity, the Sweden Democrats have advanced their political agenda on xenophobic grounds.

Through the course of successive refugee crises in 1989-1992, 2001 and more recently in 2014 and 2015, the Social Democratic Party systematically extended its focus on building a universalist welfare state to include refugees and asylum seekers. In the post World War II years, the Swedish government’s sense of global duty and responsibility for the well being of
immigrants, particularly refugees and asylum seekers, was considerably enhanced (Byström
2006; Byström and Frohnert 2013; Kõll 2015). The close affinity of society and state in
Sweden, both linguistically and conceptually, came to indicate the presence of a state-based,
civic definition of the nation – one that equally embraced universalist values of
humanitarianism and human rights. The norm of egalitarianism that now operates in the
framework of refugee protection in Sweden was central to the development of Sweden’s
national self-concept in the early 20th century. As Stråth (1994) points out, the norm was
inclusive in that it aimed to reach out to previously excluded parts of the population,
especially the working class. The Social Democratic Party and the Liberals cooperated to
achieve universal suffrage in 1918, which extended citizenship rights to the working class.
This was an early manifestation of inclusive nation-building in Sweden. Furthermore, the
ethos of a democratically-defined nation, sharing both national and international goals of
justice and egalitarianism, was conceived during this time. In 1927, Social Democrat Arthur
Engberg established that shared democratic ideals of freedom, equality and social justice, as
opposed to shared ethnicity, distinguished the Social Democratic Party’s brand of
nationalism from that of other bourgeois parties. Brubaker (1992; 2004) argues that all
definitions of “belonging” are both inclusive and exclusive; it is simply the terms of
inclusion that are different. In the case of the Social Democratic Party in Sweden,
nationalism, while it included ethnic elements, was mixed with civic elements, which meant
it was more inclusive of newcomers.

There is a major difference between the use of nationalist discourse by the Sweden
Democrats and by the Swedish Social Democratic Party, which is that the Sweden
Democrat’s nationalist discourse is essentially exclusionary. This exclusion is based on an
ethnic perspective that is in the background, one linked to xenophobia and the party’s neo-
Nazi roots. While the Sweden Democrats define the Swedish nation as one open to all ethnic
backgrounds, the party places preconditions of culture, language and identity in the way of
membership of the political community. It is this contentious strand of exclusionary ethnic
nationalism that the Social Democratic Party, as well as all other established parties in the Riksdag, rejects. Official Swedish refugee and asylum policy continues to be based on shared principles of human rights, solidarity and a respect for norms of international law. The Social Democratic Party and other mainstream parties belong to the HNC, where membership is premised on the existence of stable relationships between non-securitization actors who mutually endorse and enforce norms of egalitarianism, solidarity, equality and human rights. Hence, constructions of civic national identity (as opposed to ethnic forms of national identity) remain hegemonic in the Riksdag. The hegemonic norm circle of the political elite, by collectively endorsing international legal norms in relation to asylum seekers, constrains the agency of the Sweden Democrats in their political quest to securitize asylum.

2.2 The Changing Metaphor of ‘The People’s Home’

The political metaphor of ‘the People’s Home’ or Folkhem was conceived by the Social Democratic government to mobilize civic nationalist sentiment, in order to amalgamate a demos segregated by class. In this section, a historical discussion of ‘the People’s Home’ demonstrates that the political metaphor can change. The Sweden Democrats, for instance, have manipulated Folkhem to promote an exclusionary, ethnic national identity.

Social Democratic leader Per Albin Hansson launched Folkhem (or ‘the People’s Home’) as the organizing principle of a new national Swedish social democracy in 1928. The concept emerged at a time when traditional class society was being abandoned for new societal configurations that reflected a more inclusive Swedish nation. Hansson’s metaphor alluded to a trinity of democracy, the people and the nation that contributed to establish a founding myth of the modern Swedish welfare state. As such, the metaphor can be traced to liberal ideas of civic education (Björck 2008). In the mid-1920s, liberal politicians used the term to criticize Social Democrats for prioritizing class interests before the public interest. However, when the Social Democrats referred to Folkhem in the late 1920s and during the 1930s,
under the leadership of Per Albin Hansson, it was to pursue social reforms that incorporated the lower classes into the polity (Karlsson 2001: 477-490).

The primary image of *Folkhem* was one of ‘the good home,’ an image of familial harmony and solidarity. This sentiment underlies the most famous passage of Hansson’s ‘People’s Home’ (*Folkhemstalet*) speech, which was given in the Second Chamber of the Riksdag on 18 January 1928:

> The foundation of the home is fellowship and feelings of togetherness. The good home doesn’t admit privilege or backwardness – neither favourites nor stepchildren. There one doesn’t look down on the other. There, one doesn’t seek advantage to another’s cost. The strong do not oppress or plunder the weak. In the good home there is equality, compassion, cooperation, helpfulness. Adapted to the great people’s and citizens’ home this would mean the breaking down of all the social and economic barriers that now divide citizens into the privileged and the backwards, the ruling and the dependent, the looters and the looted (Hansson 2010: 57).

A spirit of camaraderie was evoked through the membership of Swedes in the great Swedish family. While civic nationalist identities sometimes use familial language (especially language of ‘brotherhood’), the holistic notion of nation-as-family draws more lineages from rhetoric of ethnic blood ties (Schall 2012). By contrast, the Social Democrats have drawn on shared culture to equalize segregated classes. The Sweden Democrats use the *Folkhem* metaphor to mobilize anti-immigration policies. As members of the norm circle of resistance, the Sweden Democrats legitimize norms of exclusion by linking them to the *Folkhem* metaphor. Mainstream political parties, however, have exerted agential power in enforcing and endorsing the inclusionary strand of civic nationalism inherent in the metaphor. The *folk* are citizens, and the realization of the *Folkhem* is enabled by, and supportive of, democracy. Hansson reportedly wavered between the formulations *Folkhem* and *medborgarhem* (citizen’s home) (Åsard and Bennett 1997: 95), and the idea of the people as democratic citizens pervades the speech. The concept was not invented by
Hansson, or even by the Social Democrats – it had been used by the right-wing thinker Rudolf Kjellén some thirty years earlier\(^3\) – but after Hansson’s adaptation it has become almost synonymous with Swedish Social Democracy. It is to many Swedes an emotive phrase, associated with stable and prosperous times for the country, and can thus be used to attract disillusioned Social Democratic voters, without alienating others. In his speech, Hansson highlighted the requirement that democracy be built on a foundation of actual (not just formal) equality:

If Swedish society is to become a good citizens’ home, class differences must be removed, social care developed, an economic levelling occur, working people be given their share in economic administration, democracy implemented and adapted even socially and economically.

Democratic norms endorsed by the Swedish political elite, in this sense, also ensure this equality: the concept of ‘folk’ was formulated as a body of citizens, made equal because of their connection to a protective state. In relation to the protection of asylum seekers, democratic norms of egalitarianism and humanitarianism have complemented each other in Swedish asylum policy.

Official asylum policy goals are based on norms of humanitarianism, comprehensiveness, generosity, internationalism and humanism (Hinnfors, Spehar and Bucken-Knapp 2012), and have remained the same over time. All committee reports and government bills, no matter whether formulated by Socialist or Conservative governments, declare that the Swedish refugee policy is based on humanitarian principles, comprehensiveness, generosity, internationalism and humanness (Abiri 2000b: 110).

\(^3\) In a debate in 1912 against Hjalmar Branting, the leader of the Social Democratic Party, the conservative scholar and member of the parliament Rudolf Kjellén (1864–1922) argued for his vision of Swedish society as ‘the People’s Home’ (*Folkhemmet*). Kjellén insisted that the political institutions should mirror the particularities of the national character and not divide the country (Berman 2006: 164; Hall 1998: 217). He welcomed the workers’ movement, but strongly resisted the class struggle that, in his view, only served to weaken the nation (Trägardh 2002: 84). Instead, Kjellén hoped for a kind of “National Socialism”, based on corporatist principles – subordinating the class struggle to national cohesion and welfare (Stråth 2012: 28; Hellström, Nilsson and Stoltz 2012).
Although the asylum policies of the Socialist and Conservative governments in previous years have, at times, converged on limiting the number of refugee visas, reliance on humanitarian assistance and EU harmonization as a means for restricting the influx of asylum seekers, neither Socialist nor Conservative governments have pursued the securitization of asylum. On the contrary, in the pre- and post-election landscapes of 2010 and 2014, only the Sweden Democrats have manipulated the metaphor of *Folkhem* to invoke the political myth of national exclusiveness that they claim was the legacy of the ‘old’ Social Democracy of the 1950s and 1960s, and to criticize the new Social Democrats for having let the native population down by permitting too much forced immigration too quickly. As a result, all mainstream Swedish parties have gone to considerable lengths to reject the anti-immigration policies advocated by the Sweden Democrats, highlighting the incompatibility of such policies with their own core values.

On a global scale, national identities based on citizenship comprise a critical socio-political closure. Brubaker (2004: 141) claims that exclusion based on civic identity is potentially more exclusionary than ethnic national identities as the very notion of citizenship incorporates exclusion, regardless of its inclusion of ethnic/cultural components. The logic of privileging the rights of Swedish citizens in ‘the People’s Home’ in order to preserve the Swedish welfare model has influenced the Social Democratic Party’s restrictive policies on labour migration and asylum seekers (Bucken-Knapp 2009; Bucken-Knapp et al. 2014). However, alongside the rise of the Sweden Democrats, the Social Democratic Party has made a firm stand against the manipulation of the *Folkhem* metaphor to justify restrictive asylum policies based on xenophobia (Hinnfors, Spehar and Bucken-Knapp 2012). By contrast, the Sweden Democrats have conflated the issue of preserving the nationhood, ‘the People’s Home,’ with strands of exclusionary, ethnic nationalism. In rejecting the securitization speech acts of the Sweden Democrats, members of the Riksdag, including the Social Democratic Party, demonstrate that they are not simply Cartesian subjects (i.e. people with autonomy). Rather, they exercise,
the capacity in some circumstances to knowingly choose to conform or not to conform
to the normative pressures on them (Elder-Vass 2010: 210).

The Riksdag consists of parties and alliances that are driven by normative pressures, which encourage MPs to conform to policies and practices that reflect norms of international law, and penalize those who do not. Normative pressures are exerted through an individual parliamentarian’s awareness that he or she is acting on behalf of a wider community when acting in support of an egalitarian, humanitarian or human rights norm on asylum policy. This sense of belonging to, and representation of, a community that endorses the norm increases the likelihood that the parliamentarian will act in its support, by comparison with the “isolated individual with a purely personal attachment to the standard” or norm concerned (Elder-Vass 2012: 87).

Political actors’ normative beliefs can change when they recognize that these beliefs could be incongruent with the current normative environment. Although a political actor’s beliefs and values once resonated with the normative environment in which those beliefs were first borne, and have come to represent an “embodied history of relating to the world”, material circumstances may change in a way that renders those norms counterproductive (Elder-Vass 2010: 201). Thus, for the Social Democratic Party, norms underpinning restrictive policies have had to be de-emphasized as a means to differentiate itself from the Sweden Democrats, reflecting the increasing demands for normative change placed on Swedish political institutions in light of the complicated issues of forced migration. By contrast, in Australia, a normative change to cease major parties’ bipartisanship on punitive asylum policies would require a major political party to leave a hegemonic normative community and join another, or would require the majority of the political community to transform its beliefs on such policies as the mandatory detention of asylum seekers. Such transformative change is much more difficult (Elder-Vass 2010).
3. The Role of Compromise in the Swedish Parliamentary System

In this section, I investigate how securitized asylum policy is constrained through the evocation of civic national identities by major parties in Sweden, namely the Social Democratic Party and the centre-right Alliance, consisting of the Moderate Party, the Centre Party, the Liberal People’s Party and the Christian Democrats. I argue that this is because the hegemonic norm circle of the political elite enforces and endorses norms of humanitarianism and human rights, as well as norms that uphold the principles of international refugee law such as non-refoulement and the prohibition of torture. Part of this hegemonic and socio-political authority stems from norms of democracy, egalitarianism and human rights that emerged from the Second World War.

Sweden’s current national ideology was derived, to some extent, from its controversial status during the Second World War. Sweden’s passive and antiheroic diplomacy during the war was most markedly evident in its avoidance of invasion by accepting the transit of German troop transports and maintaining agreements to supply Germany with high quality iron, wood, coal and semi-finished goods (Bjørgo 1997). It was thus necessary after the war for historians, social scientists, politicians and a wide array of actors to participate in the erasure of certain events, and the reinventing of a national ideology based on Sweden’s foundational threads or ‘ideals,’ including three ‘normative’ elements: democracy, egalitarianism and human rights. Taylor (2004: 176) posits that societies continually need to adapt and re-invent their stories, with “the story (or myth) of progress” representing one of the most important modes of narration. For the Swedish government, a renewed emphasis on modernity was an effective means of sublimating Sweden’s wartime history and distancing Sweden from the horrors of German nationalism.

Some of the most “far-reaching prophecies” of Sweden’s influence on the world post-World War II came from inside Sweden itself, indicating a collective effort within Sweden to reinvent the nation’s image (Ruth 1984: 6). Consumed by the notion that Swedes were the
people of the future, Sweden’s past involvement in European history gave way to an ahistorical sense of superiority. Sweden was now a model of modernity to be emulated. As Eva-Lena Jansson of the Social Democratic Party argued in a 2013 parliamentary debate on asylum policy,

> Sweden has long been regarded as a model both in terms of giving people protection and to be sensitive to the stabilization and democratization of world regions. This is the tradition we want to maintain and protect (Sveriges Riksdag 2013b: 52).

Based on Sweden’s support for human rights as an expression of modernity, the nation developed a strong sense of global duty and responsibility for the well being of refugees and asylum seekers in the post-Second World War years. Swedish scholar Lars Gustafsson evokes the state’s relationship to refugees and asylum seekers in his description of Sweden as the “world’s conscience” (Ruth 1984: 6).

The end of the Second World War marked a turning point in Sweden’s commitment to protect refugees and include such persons in need of protection under the umbrella of the Swedish welfare state, based on principles of solidarity, egalitarianism and equality (Köll 2015; Byström 2006; Byström 2012). The Swedish government’s initial reluctance to accept Jewish refugees was later replaced by what Mikael Byström discerns as the “Nordic prerogative”, whereby cultural similarities, and comparable political or social conditions formed the basis of Jewish asylum seekers’ acceptance and inclusion to the demos (Byström 2006: 78-82). Nordic asylum seekers were more readily accepted than those from the Baltic States (Köll 2015: 428). By 1944, however, the Swedish government had shifted towards more inclusive policies based on the protection needs of asylum seekers, as opposed to socio-political or cultural affinities. The influx of almost 30,000 refugees from Baltic countries, who were readily accepted by Sweden in September and October of 1944, confirmed the Swedish government’s transition to indiscriminate inclusivity (Byström and Frohnert 2013). In the post-war years, the emerging Swedish welfare state included ever larger groups of asylum seekers, based on the principle that all persons living in Sweden
permanently should receive the same kind of treatment, “even if the administrative organization was different for citizens and refugees” (Byström 2012: 196). Fundamental pillars of Swedish integration policy were formulated during the 1960s and 1970s (Schierup 2010: 1). Indeed, the end of the impact of the war on Sweden in 1943-1944 illustrated a turning point in Swedish asylum policy. It marked the juncture at which the Swedish government and civil society shifted towards the inclusion of refugees in the demos.

The next significant change occurred in 1975, when Sweden was officially proclaimed a multicultural society, a term that has for decades defined Swedish immigration policy. Sweden had shifted further from a model of strict ‘Swedishisation’ and assimilation to one of multiculturalism, inviting and fostering cultural diversity, openness and inclusivity. Indeed, the dynamic shift in Sweden towards open borders in recent decades has been marked by strong affirmations of multiculturalism (Hjerm 1998: 457).

In Sweden, most governments have either been based on the Social Democrats (often able to form minority governments in their own right) or a Coalition of much smaller conservative parties. The official refugee policy goals, which have been formulated by both Socialist and Conservative governments, have remained relatively constant since the 1970s. Refugee policy in Sweden, it is claimed, is based on humanitarian principles, comprehensiveness, generosity, internationalism and humanism, and contains the following key elements: international activities aimed at counteracting or solving conflicts and upholding international respect for human rights; economic support to the UNHCR and other organizations that carry on refugee work outside Sweden; international co-operation to promote a fair distribution of the responsibility for refugees among different countries, and to strengthen the legal protection of refugees; transfer to Sweden of particularly vulnerable persons in need of a sanctuary from persecution; the reception of other groups in need of protection; a state-financed community reception of refugees and other groups in need of protection; and support to individuals who have permanent residence permits and who want to leave Sweden to take up residence in their home country or another country. Basic
provisions include the Aliens Act and Aliens Ordinance and the common EU rules on freedom of movement, asylum and labour migration. The Labour Committee, the government of the Ministry of Justice, Ministry of Integration and Gender Equality, deal with these issues in parliament. The authority responsible for assessing the right of immigration is the Migration Board, while legal review of the Board’s decisions is made by the Immigration Courts.

Compared to Anglo-Saxon systems, activity in the Parliament is focused on legislative decision-making rather than on criticizing and controlling government (Sannerstedt and Sjölin 1992: 99; Esaiasson and Holmberg 1996: 216). A central parliamentary institution is the committee system, which is composed of 16 standing policy-specialized committees (17 members each) selected by the Parliament among its members according to overall party strength in the Parliament. Accordingly,

> any matter raised by the government or by an MP has to be considered by a committee before the final decision is taken [by the entire Parliament]. This consideration results in a written report, and the decision of the Riksdag concerns this report (Sannerstedt and Sjölin 1992: 110).

Proposals and motions cannot be dismantled within a committee. All bills must be dealt with and commented upon within a relatively short period of time, which means that the committee reports contain more or less extensive majority comments concerning the opposition’s motions (Hinnfors 1997: 161).

A major reform of the Aliens Act, effective as of January 1997, changed the categories of people who could be given asylum, extended the possibilities to grant temporary protection, and narrowed the rules for the immigration of relatives (family ties). A consensus across party blocs made these policy changes possible, since the Social Democratic government could not have passed the Bill through parliament without the support of its main political opponent, the Moderate Party. Although the two parties are commonly perceived as each
other’s main adversaries, co-operation between the Social Democratic Party and the Moderate Party on matters of refugee policy-making has been frequent (Abiri 2000: 11). In 1997, the Social Democratic Party had been the largest political party for decades. Its support among the voters had, however, weakened considerably, while the Left-wing Party (previously a Communist party) had grown stronger. The Moderate Party (the Swedish Conservatives) had increasingly developed into the only right-wing alternative as its support has remained steady, while support for the two other traditional non-socialist parties, the Liberal Party and the Centre Party, had fallen off. The Social Democratic Party has been in opposition for only a total of 17 years since the Second World War, between 1976 and 1982, between 1991 and 1994, and from 2006 to 2014. During the course of Social Democratic governance, inclusive norms on asylum policy, including solidarity, equality and humanitarianism acquired hegemonic status in Swedish political culture. Even though successive Social Democratic governments have supported restrictive entry policies with regard to refugees and asylum seekers, hegemonic norms of solidarity, equality and humanitarianism had already been entrenched in the party ideologies of non-socialist parties over Sweden’s long history of Social Democratic governance (Hinnfors, Spehar and Bucken-Knapp 2011; Spehar 2012). Within Sweden’s consensus-based parliamentary system, the preservation of hegemonic, inclusionary norms on asylum has been upheld through compromises made between socialist and non-socialist alliances. While non-socialist parties in Sweden have, at times, cooperated with the Social Democratic Party to limit entry and permanent residency of refugees and asylum seekers, non-socialist parties have at other points been at “the vanguard of efforts to facilitate less-restrictive entry policies” (Hinnfors, Spehar and Bucken-Knapp 2012: 601).

The Social Democratic Party’s policy on refugees and asylum seekers has made clear the limits of ‘the People’s Home’ to make room for those from outside the demos (Hinnfors, Spehar and Bucken-Knapp 2012: 601). The timing of a stricter asylum policy in the early 1990s coincided with the collapse of the former Soviet Union and wars in the former
Yugoslavia. The Yugoslav crisis saw Sweden receive 208,700 asylum seekers between 1989 and 1993: 115,900 (56%) from the former Yugoslavia and 43,000 (21%) from the Middle East. Indeed, the role of international conscience became harder for Sweden to sustain when the Cold War ended. In December 1989 an emergency decision was taken that made use of the possibility in the Aliens Act (Chapter 3 § 4) to limit the granting of asylum only to individuals who could be defined as ‘Convention refugees’. According to the Social Democratic government then, the number of claims for asylum was beyond the capacity of the Swedish State to handle. Although Swedish reception capacity had not been stretched to the limit – such emergency legislation gave the false impression that the country was being ‘swamped’ with asylum seekers – the controversial decision was confirmed by Parliament with the support of the Moderate Party in June 1990 (Sveriges Riksdag 1990). Furthermore, the following year, when all other political parties called on the Social Democrat-led government to abolish the 1989 decision, the Moderates demanded that the decision should be made permanent (Sveriges Riksdag 1991; Abiri 2000).

An important change towards a more restrictive asylum policy on the national level became visible in 1995 when it was proposed that migration should be integrated with other areas, such as foreign policy, development aid and trade (Spång 2008: 72). In the investigation, *Swedish Asylum Policy in Global Human Rights Perspective* (Human Rights Watch 1996), ordered by the Social Democratic government, it was argued that resources tied up in asylum systems in the rich countries of immigration should instead be used to prevent the causes of flight. The investigation also proposed restrictive changes to the criteria for granting asylum, which were implemented in Swedish legislation in 1997. Categories for ‘de facto refugees’ and ‘war refusers’ were abolished and asylum seekers in these categories were given protection only if they presented exceptionally strong reasons, under a new, consolidated category, ‘persons otherwise in need of protection’. The widely used practice of giving residence permits on humanitarian grounds was abolished and family reunification rights were restricted to the nuclear family (Hammar 1999). Meanwhile, the temporary protection
for refugees which had been introduced in 1994 remained active in Swedish legislation, and was granted for two or a maximum of four years. This tool was meant to be used in situations of “mass refugee” influxes with the same arguments used in 1989, when the Lucia decision was made, that it was necessary to restrict the inflow of asylum seekers “in order to use the resources for the protection of those who need it the most” (Johansson 2005: 90). Just like in 1989, the restrictions were based on Sweden’s capacity to receive immigrants, which was related to Sweden’s ability to integrate them (Johansson 2005: 90).

Apart from severely restricting the possibilities for asylum, the policy from the middle of the 1990s had a clear focus on “voluntary return migration” (Appelqvist and Zettervall 2008: 234; Jansson 2013). During the last decade, “voluntary return” efforts have been a priority task for the Swedish Migration Board (Migrationsverket 2011: 24). The shift from reception operations to return operations has been made visible in the annual budget for removal operations, which more than doubled in 2013 compared with 2000 (Khosravi 2009; Ekonomistyrningsverket 2013). The Minister of Migration Tobias Billström even labelled 2009 the “year of return” (Bergström 2012: 172). The number of “open deportation cases” that the Migration Board handed over to the police increased from 8,703 in 2008 to 20,089 in the beginning of 2013 (Migrationsverket 2011: 52; Migrationsverket 2013: 61). This reflects a substantial increase in the number of rejections, as well as the establishment of detention and deportation as central features of the Swedish asylum system (Khosravi 2009; Jansson 2013).

Sweden’s multi-member, proportional representation system gives significant power to small groups holding the balance of power. This has constrained the power of major parties to monopolize decision-making on asylum policy. Such a multi-party system rarely produces clear parliamentary majorities. In recent elections, it has been increasingly difficult for either the Social Democratic Party or the Moderate Party to form a government with an absolute majority on its own. Instead, both parties have had to form a Coalition government with smaller parties, or minority governments. These minority governments have variously
included some of the five smaller political parties including the Liberal Party, the Christian Democratic Party, the Centre Party, the Left Party and the Greens. The Social Democrats and the Moderates have relied on the support of other parties to get proposals accepted. The Moderates count on right-wing support from the Liberals and the Centre Party, and more recently from the Christian Democratic Party, whereas the Social Democrats look for support from the Left-wing Party and to a lesser degree from the Environmental Party (the Swedish Greens). The need to seek parliamentary support for their proposals is more complicated when it comes to refugee policy-making, since the traditional left-wing and right-wing blocs are divided on the issue (Abiri 2000: 12). Although small parties occupy between 4-5%, and at most 10-12% of parliament seats, they have played key roles in forming Coalitions or as support parties to the government.

As members of Coalition governments or parliamentary supporters of minority governments, small parties have blocked more restrictive policy proposals on asylum from the Social Democrats and the Moderates on many occasions. Not only have the small parties stood up against restrictive entry policies, their collective opposition has generated more generous asylum policies (Spehar 2012). The presence of these small parties in the hegemonic norm circle that endorses and enforces norms of human rights, egalitarianism and humanitarianism has been integral to the re-alignment of major parties with their responsibilities under international law, as well as reinforcing their own membership of these norm circles. Small parties’ enforcement of these more liberal norms on asylum seekers, together with their parliamentary power, led the Swedish government to accept record numbers of refugees from Bosnia in 1993-1994 (approximately 60,000) and from Iraq in 2006-2007 (approximately 40,000) (Spehar 2012). During the Bosnian crisis, when the Social Democratic Party leader Leif Blomberg approved more restrictive asylum policies, including the proposal to abolish the concept of ‘de facto refugees’, smaller parties (especially the Left, the Green and Liberal parties) criticized this move, arguing that it resembled proposals put forward by the populist New Democracy Party (Sveriges Riksdag 1996). Indeed, a tightening
of a definition of the political refugee had been among New Democracy’s 1996 proposals for asylum policy reform (Widfeldt 2004: 158).

When the Social Democratic Party and the Moderate Party advocated temporary permits, arguing that the Bosnian National Organization wanted its citizens back for post-war reconstruction, the Liberals firmly opposed the restrictive move and instead advocated permanent residency. For the Liberals, security and the refugees’ right to regain control over their lives were important arguments in favour of permanent residency (Sveriges Riksdag 1993). Following internal centre-right government negotiations, permanent residency became official government policy on asylum, marking the effects of in-group stigma on any political actor advocating norms contrary to those of egalitarianism, humanitarianism and international law. The Liberals’ view that the generous humanitarian goal of Swedish refugee policy was diminishing between 1993-1994 was set against this backdrop of tightening controls on asylum. The granting of permanent residency to Bosnians in 1994 represented an articulation of the particular interests of the Liberals, who with three other parties comprised a Coalition government. It also represented the social and moral authority of a hegemonic norm circle that endorsed these humanitarian values (Korkut 2013).

In Sweden, stigma has been regularly used to undermine the positional power of securitizing actors and de-legitimize their speech acts. Stigma has also been applied to mainstream parties that support restrictive policies on asylum. This was evident in the treatment of the Social Democratic Party during the Bosnian crisis by smaller parties. I argue that the hegemonic norm circle that rejects speech acts in this regard consists of members who endorse norms of humanitarianism sanctioned by international law, as well as the norms of egalitarianism that have been localised nationally in Sweden. Indeed, for securitization to be successful in Sweden’s multi-party electoral system, it must be perceived by the political elite (the audience) as having the authority of a norm circle standing behind it. In recent years, the Sweden Democrats have occupied the role of ‘securitizing actor’ in the Swedish parliament, but members of parliament have rejected their securitizing speech acts. The de-
legitimization of the Sweden Democrats in the Riksdag has been intrinsically linked to the party’s discourse, and, more specifically, to the extent to which it has not been able to distance itself from exclusionary ethnic narratives of nationalism and frame its rhetoric in civic terms. Both major parties and small parties have stigmatized the Sweden Democrats for their endorsement of exclusionary ethnic national identities.

4. Norm Circles and the Swedish Parliament

For political leaders of the Moderate-Alliance, the Social Democrats, the Greens and small parties, the power-preserving praxis of the hegemonic norm circle systematically polices the ‘rules-of-the-asylum-game,’ thus securing the preservation and reproduction of its egalitarian asylum policies, aligned with norms of international law. Contrarily, for the Sweden Democrats, they aim to challenge the dominance of the HNC, by subverting the recirculation of its conceptualization of civic national identity. In Sweden, the hegemonic norm circle (HNC) encompasses the established parties in the Riksdag including members of the Red-Green bloc (the Left Party, the Social Democratic Party and the Greens Party) and the Centre-Right Alliance (the Liberal Party, the Centre Party, the Christian Democratic Party and the Moderate Party) in the Riksdag. By contrast, the norm circle of resistance (NCR) consists of the de facto members of the Sweden Democrats. Foucault claims that pouvoir, or power relations that allow possibilities for change to exist, surface and become manifest, can be for the better or for the worse (in this case the securitization of asylum) (Heller 1996: 99). However, this does not justify the reduction of power to its repressive aspect only, that is, an oppressive subject-position. Rather, the power relation is fundamentally contestable and potentially transformative. Thus, in its asymmetrical power-relations with the HNC, the NCR yields in-group stigma as the transformative praxis of its members who resist hegemonic norms on asylum policy.
The Sweden Democrats experience in-group stigmatization by politicians from both the Left and the Right, who denigrate them for their xenophobic and dehumanizing asylum policies; the Social Democrats and the Moderate-Alliance also experience in-group stigma from the Left and the Liberal Party for any political disengagement from norms of human rights and international law in relation to asylum seekers and refugees.

The Riksdag is structured as a field of asymmetrical power-relations, consisting of norm circles and the causal power that they exert, to either preserve or transform an existing normative hegemony. Stigma is conceived of as a causal power of norm circles, one that is intimately involved in the production, reproduction and transformation of the normative political order; as a component of praxis, stigma involves the capacity to transform, or to (re-)produce specific effects and outcomes as a result of the coercive sanctions placed by agents upon other ‘deviant’ members of the norm circle. The praxis of stigma that emerges structurally from the HNC preserves hegemonic norms. By contrast, stigma wielded, as the transformative praxis of political actors and groups of the NCR, is conceived as a form of resistance to hegemonic norms and their government of the rules-of-the-game in relation to asylum policy.

This is the theoretical framework I deploy in considering the hegemony in the Riksdag of non-securitization discourses as well as the resistance to securitization discourses on asylum in both the 2010 and 2014 general elections. I argue that hegemonic norm circle (HNC) of the political elite enforces and endorses inclusionary norms of civic national identity, which are synonymous with norms of international law. These norms govern the Swedish government’s (and established parties’) opposition to securitization speech acts on asylum issues in the Riksdag. Stigma, emerging as a causal power of the HNC, is used to ostracize the far-right wing and anti-immigration party, the Sweden Democrats. The HNC, comprising the Moderate-Alliance, the Social Democratic Party, the Left Party and the Greens, wield stigma preservatively. They have enforced and endorsed inclusionary asylum policies and refugee integration schemes, including granting labour market access to failed asylum
seekers, and accepting all Syrian asylum seekers until November 2015.

The Sweden Democrats, who form the norm circle of resistance (NCR) in the Riksdag, aspire to exert their own hegemony. As securitizing actors, the Sweden Democrats utilize in-group stigma *transformatively* to erode the positional power of non-securitizing actors, and out-group stigma to construct the asylum seekers as a threat to the Swedish ‘People’s Home’. Their audience consists of the electorate, as represented by members of the HNC in the Riksdag – the Left Party, the Social Democratic Party, the Greens Party, the Liberal Party, the Centre Party, the Christian Democratic Party, the Moderate Party – and their own parliamentarians, the Sweden Democrats. Although attempts to revolutionize and radicalize asylum policy in an exclusionary direction have been made by the Sweden Democrats, *preservative* power emerges structurally from the HNC’s allocation of in-group stigma directed at the NCR. Furthermore, the Sweden Democrats’ securitizing speech acts are rejected by the parliamentary audience, which predominantly comprises members of the HNC. As a consequence, the party’s securitization speech acts are unsuccessful. Thus, in the Swedish Riksdag, the *preservative* praxis of stigma deployed by the HNC has culminated in the non-securitization of asylum in Sweden, in spite of Sweden’s position as the highest recipient (among industrialized nations) of asylum seekers relative to its national population in 2014: 24.4 applicants per 1000 inhabitants (UNCHR 2015: 13). In the next section, I outline the kinds of stigma that have been used in the Swedish parliament through the HNC and the NCR of the political elite in both enabling and constraining securitization speech acts of the far-right.

### 5. Xenophobia, Stigma and Securitization

In this section of the chapter, I examine both past and present policies that have been used to stigmatize members of in-group, mainly the securitizing actors in the form of right-wing populist parties. The stigmatization of right-wing parties in Sweden began with the entry of
New Democracy (Ny Demokrati) into the Riksdag in 1991. In Sweden, right-wing populist parties have been stigmatized for their resentment of asylum seekers. Mainstream parties perceive the anti-asylum discourse and sentiment propagated by the Sweden Democrats to be in violation of democratic norms of egalitarianism and justice, as well as norms of international law. Such anti-asylum sentiment comprises two distinct dimensions: the perception that asylum seekers threaten national security and, by virtue of not being fully assimilated, the cultural integrity of nationhood as well (Mughan and Paxton 2006: 343).

Right-wing populist parties in Sweden have drawn on ethnic nationalism with policies that coincide with social identity theory, which holds that identification with a group encourages the belief that members of other groups should conform to its values and behaviour, especially in a context where the in-group feels itself to be in competition with, or under threat from, the out-group (Tajfel 1982). The basis of cultural threat is the perception that immigrants undermine their new country’s cultural identity and integrity. Paul Sniderman, Louk Hagendoorn and Markus Prior (2004), for example, distinguish explicitly between antipathy to ethnic minorities based on the threat they are perceived to pose to natives’ economic well-being on the one hand and to their cultural integrity on the other. Moreover, their evidence “show[s] that concerns over national identity are more of a driving force [in threat perceptions] than concerns over economic interest” (Sniderman, Hagendoorn and Prior 2004: 46). The dilution of prejudice against newcomers is seen as essentially dependent on their assimilation into mainstream behaviour (Portes, Parker and Cobas 1980).

The surfacing of extreme groups, and the rise of the far right-wing Sweden Democrats, has marred Sweden’s self-image as a haven of democracy, consensus and stability. Neo-Nazi and fascist groups have existed without interruption since the end of WWII, but for many years they were nothing more than a lunatic fringe. The second half of the 1980s saw a significant increase in the activities of extreme right groups. By the early 1990s, members of neo-Nazi groups had been convicted of murder, arson and bomb attacks (Lodenius and Larsson 1991: 43; Widfeldt 2001). Extreme right-wing activity continued to increase in the
1990s, with highly publicized incidents such as racist riots in Trollhättan in 1993 and the murder of the syndicalist trade unionist Björn Söderberg in the autumn of 1999. Such incidents shocked Sweden, which had for many years enjoyed a reputation as a country with little racism and a low level of ethnic conflict. In late 2000, the European Monitoring Centre on Racism and Xenophobia (EUMC) estimated that Sweden had the second highest level of racial and extreme right violence in the EU, behind Germany. In the 1999 Annual Report, the EUMC stated that in 1999 there were 2,363 reported crimes with racial or xenophobic motives in Sweden. These incidents included cases of illegal threats, assaults and molestation, and had continuously increased since 1997. Nearly 1,000 crimes were committed by neo-Nazi organizations, including four reported cases of murder, and four attempted murders (EUMC 2000: 28). While estimations and international comparisons of racist and neo-Nazi crime are extremely difficult to make, due to the multitude of problems connected with the reporting and classification of racist and extreme right-wing crime, the report reinforced the impression of Sweden as a nation struggling to come to terms with its transition into a multiethnic society.

5.1 New Democracy

New Democracy entered parliament in 1991 amid much publicity, but disappeared after one election period (1991-1994). The sudden and spectacular collapse of New Democracy seemed to confirm the image – and self-image – of Sweden as immune to the extreme right-wing appeal. In September 2010, however, the picture changed with the breakthrough of the Sweden Democrats, with a vote of 5.7%, and 26 out of 349 parliamentary seats. Because of the recent rise of the Sweden Democrats, the history of New Democracy is worth attention.

By the early 1990s, both leaders of New Democracy, Bert Karlsson and Ian Wachtmeister, were well-known personalities in their own right. They shared a dislike of traditional politics and believed that society would benefit from being run according to business principles. They were unafraid of controversy, and were prone to drastic rhetoric to get a message
across. For Karlsson, populism was a goal in its own right. He wanted the party to remain independent of both political blocs, and a thorn in the side of the establishment, for reasons of principle rather than strategy (Rydgren 2006: 76). The political message of New Democracy was dominated by right-wing economics. The party argued for lower taxes, a smaller public sector and deregulation. This was mixed with populist demands, such as the abolition of traffic wardens, and lower restaurant prices. Criticism of immigration was also part of the message, and although it was not initially a prioritized issue, it was wrapped into a package of anti-establishment rhetoric (Widfeldt 2014: 177).

The 1991 election resulted in an unclear majority situation. Just as would be the case for the Sweden Democrats 19 years later, New Democracy ended up in a pivotal position between the two established political blocs. In the vote of investiture New Democracy abstained, thereby passively supporting the formation of a four-party centre-right minority Coalition, led by the Moderate (conservative) Party. The relations between New Democracy and the government were, however, uneasy.

The years that followed the 1991 election were exceptional in many respects. Sweden found itself in the worst financial crisis in decades: the Swedish currency dropped dramatically and the crisis went so far that Swedish interest rates increased briefly to an astronomical 500 per cent. In this chaotic situation, the Swedish government required more stable support – even if it meant a closer relationship with New Democracy. Even though the Moderates were open to such a dialogue, the Liberals were reluctant to turn to the populist right for firm and ongoing support: having campaigned heavily against New Democracy, they feared co-operation between the two would be frowned on by voters (Bale and Blomgren 2008: 91).

New Democracy argued for an increased focus on aid to refugees near war and disaster areas rather than granting refugees asylum in Sweden. The party wanted ‘economic migrants’ to be barred from Sweden, and tried to assert an alleged relationship between crime and abuse of public social security and immigration (Boréus 2006). However, the xenophobic policies
of New Democracy became a challenge to the other parties only just before the September 1991 general election. The restrictive Social Democratic turn in the same direction as New Democracy (with the Social Democrats focusing on repatriation and aid near conflicts in an ‘integrated’ immigration policy) was begun several years before the existence of New Democracy, towards the end of the 1980s. It comprised Temporary Protection as a key element. Yet, when the non-socialists took office in 1991, they implemented a more open refugee admission policy against strong Social Democratic Party opposition, and despite the presence of the newly established, xenophobic New Democracy Party in the Riksdag. In contrast, several of the Social Democratic Party’s restrictive policies were formulated during periods when no xenophobic parties were present on the political stage. Thus, one cannot claim the Social Democratic Party ‘accommodated’ by submitting to far-right threats, as none existed when many strict policies were formulated (Hinnfors, Spehar and Bucken-Knapp 2012).

Nevertheless, New Democracy was ostracized not only for its anti-immigration and asylum policies but for its drastic language and propensity for ridiculing established parties and politicians. Their lack of respect for democratic institutions and procedures made established parties very cautious in their dealings with them. Anders Widfeldt (2001: 11) comments that very few parties tried to take on New Democracy during the 1991 campaign. The general trend was to avoid direct debate and confrontation, but the leader of the Liberal Party, Bengt Westerberg was an exception. Throughout the 1991 campaign, he repeatedly criticized New Democracy and its candidates for xenophobia and their narrowly defined policy proposals. On election night, when the joint leaders of New Democracy entered a television studio having cleared the representational threshold to enter the Riksdag, Westerberg demonstratively left the studio. However, problems with party organization led to defections and decline. The fall of New Democracy was primarily caused by internal factors, triggered by party leader Ian Wachtmeister's decision to step down half a year before the 1994 election.
5.2 The Sweden Democrats

The third largest party in Sweden today is the nationalist, anti-immigration party, the Sweden Democrats that was formed in 1988. New Democracy (Ny Demokrati) was a similar far-right wing, anti-immigration party formed just before the 1991 election, when Sweden was receiving an influx of asylum seekers from the former Yugoslavia. In 1991, New Democracy secured 6.7% of the national vote and 25 parliamentary seats (out of 349). However, its support dropped dramatically to 1.2% in the following election of 1994, and it disappeared shortly thereafter. The rise of the Sweden Democrats to the Riksdag over a decade later in 2010 would similarly coincide with a dramatic surge in asylum applications from the Middle East, Afghanistan and Africa.

The Sweden Democrats organized an annual meeting on the 10th of June 1989 where the newly formed party decided on its first party programme. The second sentence reads: “We believe that an ethnically and culturally homogenous nation is better equipped to obtain a peaceful and democratic development, compared to a multi-cultural, heterogeneous state formation” (Sverigedemokraterna 1989). The Sweden Democrats have transitioned from a party that appealed primarily to neo-Nazi voters, to one that attracts voters from the entire spectrum of mainstream parties – including those who usually abstain from voting (Hellström, Nilsson and Stoltz 2012). During its history, extremist views were gradually abandoned (such as demands for reinstating the death penalty or resistance towards extra-European adoptions), and party members expressing extremist views were occasionally expelled. Today, the Sweden Democrats claim to represent the man on the street, to advocate a responsible immigration policy (in their view, Swedish immigration policy is extreme) and tough policies regarding integration of migrants. In the party documents, the Sweden Democrats refer nostalgically to Sweden under the leadership of Prime Minister Tage Erlander of the Social Democratic Party, who was in office from 1946-1969. For the Sweden Democrats, the ‘People’s Home’ was at its best during this period, and represents the idyllic national community that the party wishes to restore.
Yet the Sweden Democrats do not valorize only past Social Democratic Party leaders but also conservative ones. In a speech on May Day in 2004, the Sweden Democrats’ Party Secretary in 2010, Björn Söder, paid his respect to the conservative Swede Rudolf Kjellén and ‘the People’s Home’ as a mobilizing metaphor:

> The basic idea was to realize an ideological compromise, combining Conservatism and its respect for traditional values with democracy and reforms against social injustices. Instead of simply watching when the people was divided into different class interests, he tried – just like Verner von Heidenstam – to create a fellow feeling and solidarity, by means of emphasizing our common past and everything that unites us. This vision of Sweden, some decades before Per Albin Hansson did, he labelled the People’s Home.

In this speech, the Sweden Democrats’ ambition to preserve a conservative view of the nation and its homogenous population is tacked onto the ‘old’ Social Democratic Party’s ambition to transcend class cleavages and unite the Swedish people in *Folkhem*. The myth of national exclusiveness that the Sweden Democrats wish to restore is fully embedded in its uses of *Folkhem* as a mobilizing metaphor for social cohesion and cultural homogeneity. Rudolf Kjellén and the early architects of social democracy, including Social Democratic Prime Minister Per Albin Hansson, used *Folkhem* as a rhetorical means to pursue democratic reform to ameliorate social and economic inequalities by uniting ethnic Swedes under the umbrella of civic nationalism (Schall 2012). It is the fusion between *demos* and *ethnos*, where Swedish people identify themselves as possessing “democracy in the blood” (Trägårdh 2002: 77), that the Sweden Democrats manipulate:

> Sweden is the land of the Swedes. By this, the Sweden Democrats does not imply that we, the Swedes, are better than others, rather Sweden is the only place on earth where we have an absolute right to act and develop our special character and identity (Sverigedemokraterna 2003).
As the Sweden Democrats conceive it, the Social Democratic governments of later decades have deserted the idea of *Folkhem*. In its election manifesto from 2010, the Sweden Democrats explicates why this, according to the party, is the case:

> Our country has let too many people in too quickly [...]. The irresponsible and undemanding Swedish integration and immigration politics has also caused segregation, rootlessness, criminality and increased tensions. The multi-cultural societal order today presents a serious threat to the internal cohesion and stability that conditions the whole solidarity of the Swedish welfare model (Sverigedemokraterna 2010: 2).

The Sweden Democrats envision Sweden and Swedishness as something belonging to an ideal construction of ‘the heartland’, epitomized by the metaphor of *Folkhem*. This is what makes the Swedish national community exclusive. The Sweden Democrats seek to capitalize on a common heritage, by means of invoking the political myth of *national exclusiveness* to, on the one hand, venerate the ‘old’ Social Democracy and, on the other hand, to criticize the ‘new’ Social Democrats for having let the native population through their generous asylum policies, which have allegedly led to cultural dissolution and societal fragmentation (Rydgren 2002; Rydgren and Ruth 2013; Loxbo 2010).

A clearer democratic response to the extreme right challenge presented by the Sweden Democrats has been evident in recent elections, as compared to the party responses to New Democracy. The intentional measures taken by government, parliament, and the established political parties to marginalize the Sweden Democrats are plainly manifest in the *cordon sanitaire* erected by mainstream parties against the Swedish Democrats, whereby these parties have avoided any kind of collaboration and any anti-asylum rhetoric (Rydgren and Ruth 2013). Since the entry of the Sweden Democrats into the Riksdag in 2010, mainstream parties have increasingly deployed an adversarial stance towards the Sweden Democrats, drawing on the party’s use of xenophobic currency to stigmatize and ostracize the party. De-radicalization has been of critical importance in making the Sweden Democrats electable. Instances of the party’s attempts at de-radicalization include less specific proposals on
repatriation and the acceptance of a gender-neutral marriage law. These have reflected the Sweden Democrats’ quest to become acceptable, not only to the voters, but also to other parties (Widfeldt 2014: 202).

The Sweden Democrats’ ideology has undergone considerable change since the first manifesto was adopted in 1989. In the 1990s, the manifestos contained many policies and statements that were regarded by many, even some inside the party, as extreme. The de-radicalization process has been gradual and protracted. It bore electoral fruit in 2010 but is arguably still in process. The most recent step was the adoption of the 2011 Principles’ Manifesto, in which the party’s ideological foundation was redefined. The party preserved its nationalist outlook, although the ethnic dimension of its concept of nationhood has been toned down. The 2011 manifesto includes separate sections devoted to nationalism and the nation, and the party now refers to itself as social-conservative. This is a position that was largely left vacant after it historically had been occupied by the Conservative (since 1969 the Moderate) Party and can be seen as another phase in the Sweden Democrats’ ongoing attempt to broaden their appeal – nationalism may not be as stigmatized as fascism or Nazism, but it is still closely associated with the legacy the party seeks to leave behind.

In order to ‘clean-up’ the lingering stains of extremism, the Sweden Democrats’ leadership have frequently found it necessary to expel compromising members. This was underlined in October 2012, when the party announced a ‘zero tolerance’ policy. In a letter to all Sweden Democrats holding public office, party leader Jimmie Åkesson stated that there was no room for extremists, racists or “others with a personal need for political or private excesses” in the party. Those with such tendencies were asked to leave voluntarily, or face expulsion (Sverigedemokraterna 2012). Although the term “zero tolerance” had been already been deployed by Åkesson in 2005, shortly after his appointment as party leader (Mattson 2010: 24), it has nevertheless signified a concerted effort to polish the party’s image, a move that was highly publicized in the media (Crofts 2012).
In 1989, the party had wanted to “drastically reduce immigration” (Sverigedemokraterna 1989: 11). In 1994, it advocated a policy to “stop all immigration from ethnically distant cultures”; (Sverigedemokraterna 1994: 10). In 1996, the definition of ethnically distant was narrowed to “stop all immigration of people whose origin is from outside the Western cultural sphere” (Sverigedemokraterna 1996: 11). In 1999, it consolidated on a “strictly regulated immigration policy,” proposing that the repatriation policy apply to “third world” immigrants without the need for protection (Sverigedemokraterna 1999: 14f). In the 2000s, the party’s stance softened, to abandon the demand of compulsory repatriation in favour of repatriation based on counselling and financial incentives. De-radicalization was significantly marked in the Sweden Democrats’ 2005 Principles’ Manifesto, which states that immigration is not made impossible by the nationalist principle, but that “immigration should be kept at a level that does not fundamentally alter the composition of the population so that ethnic enclaves develop” (Sverigedemokraterna 2005: 6; Widfeldt 2014).

The de-radicalization of the Sweden Democrats’ asylum policy was reflected in the 2011 Principles’ Manifesto, which suggested that those who want to return to their home countries should be given “active and generous support” (Sverigedemokraterna 2011: 15). The party still advocates repatriation, but the rhetoric has softened substantially. It should be mentioned that Sweden does have an official policy of voluntary repatriation, with financial incentives, although the Sweden Democrats criticize it for being too weak (Sveriges Riksdag 2012a). There is no clear expression of classical racism in its recent manifestos, but there are ambiguities, such as references to a “homogenous population” in the 1989, 1994, and 1999 manifestos, and to ethnic “likeness” in the 2003/2005 document. Still, there is no direct evidence of notions of racial purity or hierarchy. The word “race” with derivations is very rarely used, and not in a way to imply that the party supported classical racism. The 1989 manifesto contained a quote attributed to Social Democratic Prime Minister Tage Erlander, in which he is alleged to have said that Sweden is fortunate to have a homogenous population in terms of, among other things, race (Sverigedemokraterna 1989: 1). Racism was
mentioned in the 2011 manifesto, but only in the declaration that the Sweden Democrats’ form of nationalism is open and non-racist (Sverigedemokraterna 2011: 8).

The Sweden Democrats are strongly opposed to multiculturalism, arguing that it leads to a society characterized by rootlessness, segregation, conflicts, insecurity and reduced welfare (Sverigedemokraterna 2011: 13). The party argues that this position does not preclude immigration; the important thing is that there is a dominant majority culture and an active assimilation policy. The opposition to multiculturalism aligns the party close to the ethno-pluralist “equal but separate” doctrine. However, the party’s main concern lies with the continued dominance of a certain view of Swedish culture, such that it is not threatened, but preserved. Such rhetoric nevertheless displaces ethnic minorities, particularly refugees and asylum seekers from Syria, Iraq and Somalia – some of Sweden’s largest ethnic groups of asylum applicants – and runs counter to the inclusive norms of international solidarity, humanitarianism and human rights advocated by mainstream parties. The Swedish government has espoused generous refugee integration programs in order to circumvent the stigma attached to refugees as a consequence of populist stigmatization.


Efforts to challenge out-group stigma in relation to refugees and asylum seekers in Sweden are facilitated by policies that allow the early integration of asylum seekers into the labour market. Such legislation assists in transcending the stigma associated with negative constructions of refugees and asylum seekers. Tolerant attitudes and espousal of cultural diversity at the political level have been highlighted as distinguishing hallmarks of Swedish approach to dealing with the effects of forced migration (Castles and Miller 2009; Valenta and Brunar 2010: 464) Indeed, the early labour market integration of refugees and asylum seekers is a hallmark of ‘Swedish exceptionalism’ (Berg and Spehar 2013). Union strength in Sweden has had a particularly positive impact on the integration of refugees (Boräng
While the Swedish Trade Union Confederation (LO) put an effective end to labour immigration in 1972, and has since been critical of large-scale labour immigration, the organization instead held an inclusive position towards refugees – concerning their inclusion in the labour force as well. In the LO Immigration Policy Programme from 1991, it was stated that the refugees’ right to work “must be given first priority,” and that special jobs for asylum seekers should be tried, “to avoid later problems of adjustment to the labour market”, since asylum seekers were not allowed to take up regular employment before they had received a residence permit (Quirico 2012; Knocke 2000: 175)

The Swedish government’s emphasis on labour market integration powerfully challenges the perception of refugees as an inevitable burden rather than a potential benefit to host communities. This perception is premised upon the idea that refugees are a burden for host states and communities, imposing a cost to be shared, rather than being a possible source of opportunity and benefit to host societies and economies (Betts et al. 2012). The logic that follows from these assumptions is that refugees’ assistance needs can be met only by the state sector rather than by the private sector, and addressed within a humanitarian rather than a development paradigm. Yet providing refugees with early access to labour markets as a facet of labour migration policies in Sweden re-conceptualizes refugee protection from the state sector to the private sector. Encouragement of forced migrant entrepreneurialism further shifts the discourse of protection from ‘dependency’ to ‘empowerment’, and from seeing asylum seekers as ‘burden’ to seeing them as ‘benefit’ (Betts et al. 2012: 16). Inclusivity and empowerment in this regard are manifested in Sweden’s 2008 labour migration reforms, which emphasized low-skilled labour as well as high-skilled labour (Berg and Spehar 2013).

Many high-income countries’ labour migration policies have, over the past few years, become more selective in terms of who they admit, with most countries prioritizing high skilled over low-skilled labour immigration, and becoming more restrictive in terms of the scale of annual admissions of migrant workers. Sweden, however, has gone in the opposite
direction during the 2000s. In September 2008, the Swedish government introduced several reforms to expedite the introduction of new arrivals, promote employment and enterprise amongst asylum seekers, improve educational achievement and equality in school, and improve Swedish language teaching to adult refugees. In prioritizing equal rights, obligations and opportunities for all, regardless of ethnic or cultural background, anti-discrimination initiatives (including the establishment of funds for activities to combat racism, and initiatives for urban districts with extensive exclusion) were promoted and enforced (Regeringskansliet 2009).

The 2008 reforms have exerted a more inclusive influence on refugee policy in Sweden, by increasing the accessibility of low-skilled refugee migrants to the labour market and providing failed asylum seekers opportunities to enter the Swedish workforce through more flexible labour immigration policies (Regeringskansliet 2011). Further, an asylum seeker whose application had been refused through a final and non-appealable decision could also be granted a residence permit for work without first having to leave the country, provided that he or she was previously employed in Sweden for at least six months. Swedish national political culture has thus far prioritized the integration of refugees and asylum seekers over policies of deterrence in many other ways. Labour market reforms for refugees and asylum seekers continued with the Swedish government’s allocation of 20 million SEK in 2008-2010 for targeted efforts for generating growth among entrepreneurs with foreign backgrounds (Regeringskansliet 2009).

7. Conclusion

Despite its international socialist roots, the Social Democratic Party has distinctly national ideological roots with a strong emphasis on creating a ‘People’s Home’ and protecting national industries and democratic values (Lagergren 1998). By claiming the mantle of democracy, the Social Democrats defined the nation as one inclusive of all classes of
citizens. While references to ‘the Swedish Model’ by the Social Democratic Party occasionally include notions of ‘multiculturalism’ (Socialdemokraterna 1997: 2), one recurring catchword is ‘the People’s Home’ (Folkhem) with distinct notions of ‘Swedishness’ (Trägårdh 2002: 77). As Andersson argues, “the historical achievement of the People’s Home has become a trope in political discourse, a trope that constantly reasserts the norms and values of Swedishness” (Andersson 2006: 437-8), such that all reforms since the 1990s have been premised on affirmations of historical achievement, and of the merits of Swedishness (Andersson 2006). These merits connote nationalism in “that the Swedish concepts of folk, folklighet, and Folkhem are central to a national narrative casting the Swedes as intrinsically democratic and freedom-loving, and as having ‘democracy in the blood’” (Trägårdh 2002: 77). The Sweden Democrats have capitalized on the strength of these ideological images to advance their own anti-immigration agenda. No link exists between ‘the People’s Home’ envisaged by Per Albin Hansson and the Social Democratic Party, and the extremely restrictive policies promoted by the Sweden Democrats, with their recurring themes of ‘Swedishness’, ‘People’, ‘Swedish Model’ and ‘Community’. Nevertheless, the Sweden Democrats have manipulated this metaphor to develop an exclusionary asylum policy. By invoking the political myth of national exclusiveness, the Sweden Democrats attempt to reinvigorate the ‘old’ Social Democracy whilst denigrating mainstream political parties for their generous asylum policies, which have allegedly led to cultural disintegration.

For mainstream parties, the entry of anti-immigration parties in the Riksdag has prompted them to invent novel ways of restricting the inflow of asylum seekers, without associating themselves with the xenophobic and racist expressions of New Democracy, and the Sweden Democrats. The challenge for mainstream parties has been to do this without alienating their supporters (Abiri 2000). When New Democracy entered the Riksdag, policies that came into effect to restrict the influx of asylum seekers included the introduction of changes to visa policy, and an increasing reliance on regional burden-sharing mechanisms. The legacy of
this strategy to restrict inflow of asylum seekers, whilst maintaining a reputation as ‘humanitarian super power’, is strongly felt in Sweden today. The demise of New Democracy shortly after its removal from Parliament in 1994 meant that this strategy was never fully tested in the presence of a strong, right-wing anti-immigration party until recently. The growth of the Sweden Democrats to become the third largest party in Sweden over the two most recent elections has sparked renewed emphasis on integration policy in the ranks of mainstream parties. Emphasis on integration policies has been used to reject the negative rhetoric used by the Sweden Democrats to securitize the issue of asylum. Indeed, by combining ‘the People’s Home’ with social conservatism, the Sweden Democrats have tried to appeal to conservative, non-socialist members of Folkhem (Widfeldt 2014).

In the Riksdag, stigma has been used to undermine the positional power of securitizing actors and de-legitimize their securitization discourses, particularly those that have xenophobic undercurrents. The stigmatization of far right-wing parties reflects a strong will in the Riksdag to champion core values of democracy, egalitarianism and respect for international law. In an international context of rising xenophobia, members of mainstream parties, such as the Social Democratic Party, have located themselves firmly as endorsers and enforcers of norms of international law that reflect an awareness of Sweden’s obligations towards refugees and asylum seekers. This will be explored in the next chapter through an analysis of the 2010 and 2014 general elections, as well as the refugee crisis of 2015.
Chapter 7


1. Introduction

The purpose of this chapter is to demonstrate how in-group stigma is used to oppose securitization speech acts in the Swedish Riksdag. I argue that securitization speech acts generated by the far-right anti-immigration party, the Sweden Democrats (SD), have been rejected in the Riksdag for two reasons: firstly, because securitizing actors from the Sweden Democrats hold subordinate positions of power in parliament; and secondly, because established parties that comprise the audience of the securitizing speech act are predominantly members of a hegemonic norm circle (HNC) who endorse and enforce norms of international law, human rights, equality and egalitarianism. In the absence of a relationship between securitizing actors and the parliamentary audience based on the mutual endorsement of shared norms, securitization is unsuccessful. As constituents of the parliamentary audience, established parties erode the positional power of securitizing actors of the norm circle of resistance (NCR), constituted by members of the Sweden Democrats, through the use of in-group stigma. Parliamentary debates before, during and after the 2010 and 2014 elections have been chosen for this analysis to demonstrate how open borders and the securitization of asylum came to represent a critical political issue for both the HNC and the NCR. The Sweden Democrats have used asylum seekers as valued currency to gain
political influence through populist and xenophobic campaigning. The Moderate-Alliance government’s refusal to stem the flow of asylum seekers to Sweden – deemed by the Sweden Democrats as a threat to national security – became a rallying cry for Sweden Democrats across the 2010 and 2014 elections.

The first section of the chapter outlines the different types of stigma used by various political parties of the Swedish parliament to influence decision-making on asylum policy, namely, preservative in-group stigma, transformative in-group stigma and out-group stigma. The Swedish general elections of 2010 and 2014 are then analysed to show how the ostracization of the Sweden Democrats by members of the HNC in parliament has been a significant obstacle to the securitization of asylum in Sweden during that crisis. Finally, the Swedish refugee crisis of 2015 is examined. Although several restrictive measures have been introduced by the Swedish government to reduce the inflow of asylum seekers to Sweden, official asylum policy remains firmly opposed to Schmittian constructs of asylum seekers as the threatening ‘Other’. The asylum issue continues to reside in the realm of highly politicised issues, and is not securitized, despite a context that might appear to facilitate securitization.

2. Types of Stigma in the Swedish Parliament

In this section, I sketch some empirical features of the Swedish parliamentary discourse on stigma and deviance over the course of the general elections of 2010 and 2014. Across the 2010 and 2014 elections, three types of stigma were used by securitizing actors and by members of the HNC to constrain security moves and reject securitization speech acts. I classify two forms of in-group stigma used by political actors of the HNC and the NCR to erode the positional power respectively of securitizing and hegemonic actors in parliament: preservative in-group stigma and transformative in-group stigma. Political actors of the HNC wield power *preservatively* in utilizing stigma to erode the positional power of a securitizing
actor. In so doing, they have been successful in constraining the impact of securitization speech acts of the far right-wing Sweden Democrats. In the latter case, political actors of the NCR, i.e. the Sweden Democrats, utilize in-group stigma *transformatively*, with the intention of stigmatizing non-securitizing actors in government for failing to protect the *demos* from an alleged invasion by Muslim asylum seekers from Africa and the Middle East. The Sweden Democrats’ rhetoric is designed to further alienate disillusioned voters from the government. They use out-group stigma to represent asylum seekers as the threatening ‘illegal’ and ‘criminal Other’, in order to validate their securitization discourses on asylum.

### 2.1 In-Group Stigma and Wielding Power *Preservatively*

A strategy used by the established parties in the 2010 election focused on the isolation and exclusion of the Sweden Democrats (Kiiskinen and Saveljef 2010). The strongly value-charged discourses on asylum and refugee policy in Sweden have been marked by dichotomies such as ‘right vs. wrong’ and ‘tolerance vs. intolerance’. As members of a HNC who endorse and enforce civic conceptualizations of national identity encompassing norms of international law, political actors of established parties bear the burden of upholding the morally right position on asylum issues (Hellström and Nilsson 2010; Mouffe 2005). This is a position that is necessarily perceived as distant from the xenophobic and thus immoral position held by the Sweden Democrats on the issue. The polarization of the debate has led established parties towards deeper engagement with liberal models of democracy, which are seen as inviolable and deeply rooted in international law (Mudde 2007; Kiiskinen and Saveljef 2010). By contrast, drawing on xenophobic discourses and securitization speech acts, the Sweden Democrats promote a political agenda that attempts to restrict the civil rights of individuals from minority ethnic groups.

The praxis of stigma that emerges structurally from the HNC is *preservative* of hegemonic norms. It ensures that securitization speech acts do not lead to a reduction in Sweden’s intake of asylum seekers or to the politically sanctioned exclusion of individuals with migrant
backgrounds. It is argued that such exclusion might in turn challenge aspects of pluralism and tolerance in Sweden’s liberal democracy (Mudde 2007; Kiiskinen and Saveljef 2010). The isolation and stigmatization of the Sweden Democrats as the outcast of the Riksdag, as racists, and as the epitome of the ‘anti-norm’, have effectively blunted their acquisition of positional power as securitizing actors in the Riksdag. Their ostracism has sparked a debate about democracy and free speech for a party that won approximately 330,000 votes in a country of 9.4 million people during the general election held on 19 September 2010. Indeed, the tactic of parliamentary exclusion has played into the hands of the Sweden Democrats, who wear their stigma as a badge of martyrdom. Nevertheless, in marginalizing the Sweden Democrats in parliament, mainstream parties have thus far been successful in wielding stigma preservatively, to maintain the hegemony of inclusive norms of international law, which currently continue to govern asylum policy in Sweden.

2.2 Out-Group Stigma

In Sweden, the only party that has used out-group stigma in order to construct asylum seekers as a ‘national security threat’ – an existential one that enables extraordinary means to be used in the name of security – is the Sweden Democrats. The party exploits a brand of welfare nationalism to restore the essence of Folkhemmet, or ‘The People’s Home’, with its nostalgia and romantic longing for ethno-cultural belonging. As Jenny Andersson (2009: 241) argues, this is required because “the Others” are perceived “as a threat to the architecture and values of the [welfare] Model, its collective agreements” and to “Swedish self-image and identity”. The Sweden Democrats present themselves as trying to hold on to the generous welfare state and recreate a particular culturally homogenous image of Swedishness, while relying on the criminalization of asylum seekers to do so. To acquire positional power as securitizing actors, members of Sweden Democrats (as members of the NCR) wield out-group stigma against a target population of asylum seekers whose mere presence in the demos signals, to them, degeneration and crisis, and the fundamental
weakening of the nation state. The Sweden Democrats stigmatize asylum seekers as criminals and cultural pollutants, responsible for criminal offences such as rape and suburban riots (Simpson 2010). In their securitization discourses, they paint a bleak picture of Sweden’s future, claiming that radical Islam will burden it and inevitably lead to the abolition of democracy. Parliamentarians of the Sweden Democrats, such as MP and international secretary Kent Ekeroth, and his brother Ted Ekeroth, have played an important role in integrating the Sweden Democrats into the international anti-Muslim environment (Ekman and Poohl 2010).

2.3 In-Group Stigma and Wielding Power Transformatively

In wielding stigma as the transformative praxis of political actors of the NCR, the Sweden Democrats utilize an anti-establishment strategy. The party portrays itself as a party outside the political establishment holding a distinct position on asylum issue, which is strongly influenced by the views of the people. The Sweden Democrats have capitalized on a growing undercurrent of Islamophobia in Europe and Sweden, postulating that Sweden as a nation is threatened with Islamization, claiming that the country’s leaders are choosing to look the other way, and, even worse, can be seen to be contributing to the Islamization of Sweden (Lagerlöf, Leman and Bengtsson 2011). The securitization rhetoric of the Sweden Democrats casts Muslims living in Sweden as not only not assimilating but as striving for the abolition of the existing model of Swedish democracy. The Sweden Democrats cite Muslim asylum seekers’ antipathy to modern democracy and to Western values in general, as an incontrovertible basis on which to treat them as enemies. In order to cast mainstream parties in a poor light and wield stigma transformatively towards the securitization of asylum, the Swedish government is cast as the enemy within, responsible for perpetuating segregated communities in Sweden and causing a fundamental split in the social fabric of Folkhemmet. In so doing, the Sweden Democrats promote a particular brand of welfare chauvinism, wherein the costs of immigration are pitted against the costs of welfare provisions, such as
for the elderly. Mainstream parties are portrayed as betraying the *demos* in their allegiance with the international community, with refugees’ needs prioritized over the welfare needs of the Swedish national community.

3. A Closer Look at the 2010 General Election

The centre-right Alliance formed a minority government in September 2010, with the Sweden Democrats holding the balance of power in the Riksdag. In 2010, the centre-right Alliance consisted firstly of the Moderate Party led by Fredrik Reinfeldt since 2003, which is a liberal conservative party that held 107 of 349 seats (30.1%) in parliament. Secondly, the Liberal People's Party, led by Jan Björklund since 2007 (Lars Leijonborg during the first campaign and the 2006 general election), held 24 of 349 seats (7.1%), while the Centre Party led by Annie Lööf since 2011 (Maud Olofsson during the campaigns), which is a liberal, former farmers’ party, acquired 23 of 349 seats (6.6%) in the Riksdag. Lastly, the Christian Democrats led by Göran Hägglund since 2004, which represented the final member of the alliance, won 19 of 349 seats (5.6%) in the Swedish parliament. The main opposition comprised the Red-Green bloc, which consisted of the Social Democrats, led by Stefan Löfven, the Left Party led by Jonas Sjöstedt and the Green Party led by Åsa Romson and Gustav Fridolin. These parties held 112 (32.1%), 19 (5.4%) and 25 (7.2%) of 349 parliamentary seats respectively. The Sweden Democrats, a national-conservative and anti-immigration party, led by Jimmie Åkesson, won 20 of 349 seats (5.7%) as the party entered the Riksdag for the first time. Although the Alliance Prime Minister Fredrik Reinfeldt was considered the winner of the election, his four-party Alliance Coalition secured 173 seats in the 349-seat parliament, just two short of a majority. Table 7.1 below depicts the how stigma was allocated by the HNC and the NCR during the course of the election. As the HNC, the centre-right Alliance and the Red-Green bloc wielded in-group stigma *preservatively*, while the Sweden Democrats as members of the NCR wielded in-group stigma *transformatively*. 

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The Sweden Democrats were the only party to stigmatize asylum seekers as the societal out-group.

Table 7.1 Allocation of stigma by norm circles of the political elite in parliament in the 2010 election.

<table>
<thead>
<tr>
<th>Hegemonic Norm Circle (HNC)</th>
<th>Red-Green Bloc</th>
<th>Centre-Right Alliance</th>
<th>Far-Right</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Left</td>
<td>S</td>
<td>Greens</td>
</tr>
<tr>
<td>(1) In-Group Stigma (Transformative)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(2) In-Group Stigma (Preservative)</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>(3) Out-Group Stigma</td>
<td>-</td>
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</tr>
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</table>

While the Sweden Democrats were founded in 1988, they only came out of the political shadows during the general election of 2006, when they were unable to pass the election threshold of 4%, gaining only 2.9% of the votes and no parliamentary seats (Bolin and Aylott 2006: 2). In 2010 the party was successful and scored 5.7% share of the popular votes and 20 seats. Logically, it would appear that Prime Minister Reinfeldt would cooperate with the Sweden Democrats, who are the closest to him ideologically. Indeed, the Moderate Party is the party most to the right of all the Swedish parties. Since the late 1970s, it has been the largest of the parties to the right and the leading opposition party to the Social Democrats. Its policies could be described as displaying a mixture of conservative and neo-liberal values, and it has been a strong proponent of policies aimed at decreasing the size of the welfare state, privatization, lower taxes and deregulation. Such policies have been controversial in a society strongly influenced by decades of Social Democratic government and a strong welfare state. Since 2004, however, the Moderate Party has changed its policies dramatically, in essence moving the party towards the centre of the Swedish political
spectrum. The motive of these changes was the conclusion that the Moderate Party, in order to increase its share of voters and oust the Social Democrats from power, simply had to change in order to be perceived as less right-wing. The change from the ‘old’ to the ‘new’ Moderates made possible the establishment of the formal ‘Alliance for Sweden’, composed of the centre and right-wing parties. While this alliance won the 2006 general election and formed a majority Coalition government, the 2010 election were markedly different. Reinfeldt’s majority was undermined by the Sweden Democrats, who sought to spread anti-asylum sentiment in a country where one in seven people is foreign-born. At one point, the strong performance by the Sweden Democrats and the prospect of a hung parliament looked likely to devalue the krona against the euro and trigger volatility on the Stockholm financial markets. But the governing Coalition and centre-left opposition bloc pledged not to join forces with the Sweden Democrats. Prime Minister Reinfeldt asserted that he would talk only to the Greens – apparently accepting a Swedish version of the Belgian cordon sanitaire by which all other parties have been intimidated into not co-operating with the anti-immigration party, Vlaams Belang. However, with the Greens, too, ruling out joining Sweden’s conservative-liberal minority, Reinfeldt formed a minority coalition government.

Jimmie Åkesson, leader of the Sweden Democrats, successfully tapped into growing Swedish resentment at high levels of asylum intake, with election campaigning that included a widely shown television broadcast that featured Middle Eastern women in burkas, with their prams, barging ahead of frail, elderly white Swedish pensioners in a queue for welfare benefits. 2010 marked the year Sweden joined a growing list of European countries where a political brand of nationalist and nativist populism has broken the mould, destabilizing established governments. As Figure 7.1 shows, the Sweden Democrats were the only securitizing actors in the 2010 election. Parties of the Red-Green bloc and the centre-right Alliance, as members of the NCR, represented the non-securitizing actors of the HNC.
3.1 The HNC and In-Group Stigma (*Preservative*)

A strategy used by the established parties in the 2010 election focused on isolation and exclusion of the Sweden Democrats. The praxis of stigma that emerges structurally from the HNC is *preservative* of hegemonic norms, and has ensured that the party’s securitization speech acts have not succeeded in the Riksdag. As constituents of the parliamentary audience, established parties sought to erode the positional power of securitizing actors (the Sweden Democrats) through the use of in-group stigma, which manifests in the isolation of the Sweden Democrats and their labelling as racists who threaten Swedish constructions of civic national identity by endorsing and enforcing the ‘anti-norm’ – exclusionary constructions of ethnic national identity that deprive asylum seekers of human rights under
international law. According to the party’s earlier programmes (the text of which was removed by Mattias Karlsson in 2007) the primary goal of the Sweden Democrats’ was to re-establish a single ethno-cultural national identity (Orrenius 2014). Indeed, reduced immigration and anti-asylum policies were just part of the Sweden Democrats’ overarching vision in the 2010 general election, to recast Sweden as a far more ethnically nationalist country.

In a televised debate days before the 2010 election, party leaders Frederic Reinfeldt from the centre-right Alliance and Mona Sahlin from the Social Democratic party ruled out working with the Sweden Democrats if their Coalitions did not win an absolute majority. From the outset, the party was stigmatized as the pariah of the Swedish political arena for their endorsement and enforcement of the anti-norm, and for epitomizing in-group deviance. According to social identity theory (Tajfel 1982; Castano et al. 2002), insofar as the negative behaviour of an in-group member threatens to jeopardize the perpetuation of in-group norms, the perceived threat would necessarily be contained. Marques, Yzerbyt and Leyens (1988) used the label ‘black sheep effect’ to refer to the tendency to evaluate a disdainful and anti-norm, in-group member more harshly than a deviant out-group member.

In the run-up to the general election in 2010, a concerted political and media strategy systematically denied the Sweden Democrats a voice. Newspapers refused to publish their advertisements, the Sweden Democrats’ party video (depicting a horde of women in burqas chasing down an elderly Swedish woman to obtain state funds) was refused airtime by television channels, and mainstream political leaders refused to engage in public debate with them. Other party leaders called the Sweden Democrats ‘monsters,’ ‘racists,’ and ‘a disgusting party’, with Lars Ohly, leader of the Left Party, refusing to share a dressing room with Jimmie Åkesson, party leader of the Sweden Democrats during the televised debates of election candidates (Ramalingam 2012). On the night of the election, and upon hearing that the Sweden Democrats had entered the Risksdag, Lars Ohly of the Left Party warned of “right-extremist winds” which “[were] blowing across Sweden and other European
countries,” and promised that his party was “prepared to meet the challenge head on” (Landes 2010). Mona Sahlin, leader of the Social Democratic party, similarly pledged that her party’s “fight against xenophobia” would continue (Landes 2010). Other party members such as Claes Bergström, Social Democratic spokesperson for equality issues, described the Sweden Democrat’s victory as “an unbelievably huge disappointment” (Landes 2010).

In her first parliamentary address after the election, Mona Sahlin, then leader of the Social Democratic Party, openly advocated that parties cooperate in isolating the Sweden Democrats. She labelled them as ‘xenophobic’ and ‘racist’:

> Sweden currently has a minority government that rules with a xenophobic party’s sufferance - a party with roots in racism. In nine cases out of ten, the government has so far found support among the Sweden Democrats for its policies. I will quit as Party Chairman, but I will never stop fighting against xenophobia, racism and the Sweden Democrats. I can promise you that it will also apply to the next Social Democratic Party Chairman. Paradoxically, the Sweden Democrats’ entry here in Parliament has given rise to the cementing of politics blocs. The only way to isolate them is through partisan agreements. Therefore, I will send a simple but very sincere appeal to all party leaders: Cooperate! Collaborate for Sweden and for the Swedish people’s sake… for the sake of democracy! (Sveriges Risksdag 2010: 11).

For her condemnation of the Sweden Democrats and her expressed revulsion at their presence, colleagues praised her across the spectrum of parties from Left to Right. MP Maud Olofson, leader of the Centre Party, commended her for her outspoken castigation of the Sweden Democrats:

> I think that you have been brave in discussing the issue of xenophobia and for standing for openness and equal human rights and value (Sveriges Risksdag 2010: 15).

Olofson targeted the Sweden Democrats’ incitement of xenophobia and Islamophobia – Jimmie Åkesson had warned that Islam is “our biggest foreign threat since World War Two”
– suggesting that the Sweden Democrats’ line of thinking embodied irrational and vicious prejudices, and ignorance. In his speech, Olofson warned of the danger in this sort of labelling, in that it renders Muslims who are one fourth of the world’s population, criminal or suspect, and yokes all Muslims into one category as ‘outcasts’:

I think it is important that we, once and for all, note that the debate on combating terrorism must never be silenced by accusations of being Islamophobic or xenophobic.

It is too important a debate to be lost because of that kind of fear-mongering (Sveriges Risksdag 2010: 15).

MP Maria Wetterstrand of the Swedish Greens Party similarly stigmatized the Sweden Democrats for their endorsement and enforcement of the anti-norm and exclusionary asylum policies that promoted closed borders and an Islamophobic society. In her first address to parliament since the 2010 election, she stated,

The Greens Party stands for openness, freedom and diversity, and a responsibility to future generations… we need a policy that protects openness. If it is to be extremist, and if it starts to reflect an extremist view… I am happy not to get involved with politics in the future (Sveriges Risksdag 2010: 26)

The Sweden Democrats have condemned multiculturalism as a policy that is socially divisive (Orrenius 2014). A wide range of advocates of diversity, openness and tolerance have, thus far, clearly rejected the Sweden Democrats’ brand of an exclusionary national identity in Sweden.

3.2 NCR and In-Group Stigma (Transformative)

In-group stigma wielded *transformatively* by the NCR (the Sweden Democrats) tried to erode the positional power of non-securitizing actors by exposing weaknesses and flaws in the policy and practice of established parties. Transformative in-group stigma was used to incite distrust in the Swedish government for allowing Sweden to become “a state under siege”, threatened by the “imagined Islamization of Swedish society” (Barzoo 2011).
Politically constructed notions of risk associated with asylum seekers were used to erode established systems of trust in the Swedish government, and the hegemonic norms of international solidarity and human rights that it endorses. The Sweden Democrats’ use of in-group stigma to transform hegemonic norms and achieve social control was reflected in notions of danger and protection. By elevating the politicized issue of asylum into an existential and pervasive threat, the Sweden Democrats created social uncertainty and instigated a societal retreat into self-protection. The erosion of trust in the Swedish government was promoted through the condemnation of the government for its alleged failure to protect the *demos* from the threat of asylum seekers.

In their 2010 election manifesto, the Sweden Democrats called for “a more responsible and sustainable immigration and refugee policy” (Sverigedemokraterna 2010a). They advocated that “severe restrictions” be placed on asylum, such that Swedish asylum policy would be at least as restrictive as Danish and Finnish asylum policies, as well as a “return to the assimilation policy that applied until the mid-1970s”, which favoured the adaptation of migrants to Swedish society, and not vice versa (Sverigedemokraterna 2010a). A key pillar of their asylum policy involved greatly expanding support for the UN Refugee Agency, and “the millions of truly destitute refugees worldwide” who “lack opportunities and resources” to leave the conflict zones. In an interview for a newspaper, party leader Jimmie Åkesson alleged that this was necessary in order to help “real refugees” (Sverigesradio 2010). The Sweden Democrats criticised the government for their so-called generosity and humanitarianism, which was allegedly perpetuating ‘inhumane’ conditions in refugee camps close to conflict zones. During this time, the Sweden Democrats accused the government of passivity in relation to immigrant crime, calling for stricter punishments, including the deportation of foreign-born criminals. They condemned the centre-right Alliance for its failure to protect Swedish citizens living in neighbourhoods with high immigrant populations, describing the citizens as “victims of discrimination” (Sveriges Risksdag 2010: 34).
Securitization in its conscious, intersubjective, political and manifold sense is concerned with concrete securitization speech acts and practices. For the Sweden Democrats, as members of the NCR, the in-group stigmatization of established parties was aimed at eroding the positional power of non-securitizing actors (from mainstream parties), as well as elevating their own positional power as a securitizing actor. In their 2010 election campaign, the Sweden Democrats incited audiences – predominantly the unemployed and blue-collar workers (Erlingsson, Loxbo and Öhrvall 2012) – by invoking a nostalgic longing for the ‘traditional Sweden’, unadulterated by mass immigration. The perceived reluctance of recalcitrant refugees to abandon their native culture and assimilate into Swedish culture has been a recurring theme in the Sweden Democrats’ rhetoric, one that has been used to label the ‘Other’ as a major ‘problem’ segregating Swedish society. In the first parliamentary debate of party leaders after the Sweden Democrats’ entry into the Riksdag, Jimmie Åkesson criticized the government’s idealism and its failed policy of multiculturalism, suggesting that, instead, the established parties had encouraged and enabled the segregation of Swedish society:

The problem with Mr Björklund’s policies… started several decades ago, [with] a project designed to make Sweden become a multicultural Utopia. But that did not happen. Instead, we had huge issues of alienation, with millions excluded. Sweden is today a fragmented, segregated society. If one imagines that the people who come here feel like a part of Swedish society, one is wrong … Sweden is a society that is divided, segregated and fragmented… we must make demands on the people who have come here, such that they become a part of Swedish society (Sveriges Risksdag 2010: 50).

This was juxtaposed with a rallying cry for ‘security’, arguing that mainstream parties in Sweden have ignored security risks pertaining to migrant communities, and have inadequately protected the Swedish population from threats. Accusations that mainstream politicians engage with individuals posing security threats to Sweden, for example that they
“conspire with dangerous Arab elites and leaders”, were frequent in the Sweden Democrats’ propaganda (SD-Kuriren 2009).

It has been claimed that voting for right-wing populist parties can be seen as a form of protest against the established parties or a perceived corruption of the political system as a whole (Müller et al. 2014). However, evidence from an increasing number of studies indicates that support of anti-asylum parties is not merely a form of protest voting, but rather reflects a xenophobic potential in the electorate, which perceives asylum seekers from particular ethnic backgrounds as a cultural and/or economic threat (van der Brug, Fennema and Tillie 2000; Arzheimer 2007; Müller et al. 2014). For the Sweden Democrats, the acquisition of positional power was based on a combination of Islamophobia as well as anti-establishment sentiment. Ostracization by mainstream parties has served to cast Sweden Democrats as the underdog. As a far-right wing party, the Sweden Democrats have also constructed themselves as a protest party, a platform for the marginalized, ill and unemployed Swedes to reverse the acute powerlessness of their individual predicament. Here, a vote cast for the Sweden Democrats is a vote against something – in this case, established parties – rather than for something specific. Voters who succumb to the securitization speech acts of the Sweden Democrats consider themselves marginalized, and “find their own thoughts, their own anger, their own fears” manifested in the Sweden Democrats’ party program (Mankell 2010).

On 10 January 2006, the Sweden Democrats’ periodical SD-Kuriren issued on its Internet home page an invitation to make drawings of the Prophet Muhammad. Such a drawing was published on the same homepage on 3 February 2006 (Widfeldt 2014: 185). This event took place in the wake of the “Danish Cartoons Controversy” in Denmark, which occurred in the autumn of 2005, leading to an intense debate in Sweden and internationally. The Swedish embassy in Jordan received warnings. The Swedish Foreign Minister and Social Democrat, Laila Freivalds, condemned the publication, and urged the Sweden Democrats to remove the drawing. This gave the Sweden Democrats media attention on an issue that suited the party’s
agenda, and Jimmie Åkesson appeared in a brief radio discussion with Laila Freivalds on 9 February 2006 (Sverigesradio 2006). A few days later, the website’s host company, Levonline, closed down the homepages of the Sweden Democrats as well as SD-Kuriren after being requested to do so by the Swedish Security Service, as well as by the Swedish Foreign Ministry. Freivalds first denied any involvement, but when an inquiry, initiated after the Sweden Democrats had filed a complaint to the Chancellor of Justice, showed that the Foreign Ministry official who had contacted Levonline had done so after consultation with Freivalds, she resigned, on 21 March 2006. Thus, the Sweden Democrats had not only received much welcome media attention, the party had also been instrumental in forcing the resignation of a senior government minister (Mattsson 2010: 74-77). Such publicity, linked to exposing the anti-democratic behaviour of government officials, demonstrably hurt the credibility of established parties in the Riksdag.

During the 2006 election, major opinion polls started to report the Sweden Democrats as a separate party, and not as part of the ‘Others’ category. This worked to the party’s advantage, helping to delineate them as separate but relevant amongst the electorate. Furthermore, prominent political actors in the party, such as party leader Jimmie Åkesson, parliamentary group leader Mattias Karlsson and party secretary Kent Ekeroth, were in their twenties during the 2006 and 2010 elections, epitomizing a youthful rebellion – an image that worked to their advantage in winning over disenchanted voters who envisaged established parties, in the words of Henning Mankell (2010), as “hypocritical and forsworn”.

As the 2010 election drew nearer, it seemed increasingly probable that the Sweden Democrats would enter the Riksdag. Again, controversy about an advertisement commissioned by the Sweden Democrats in a major media outlet played into the party’s hands. On the 27th of August 2010, TV4, Sweden’s biggest television network, decided not to grant the Sweden Democrats airtime to screen their new political advertisement. Jan Scherman, CEO of TV4, argued that the advert could not be shown because it was in breach of the law against persecution of population groups, Muslims in particular (Hamrud and
The main argument in the advertisement was to highlight the alleged trade-off between the costs of immigration and welfare provisions, such as pensions. A voice-over said, “all politics is about priorities”, followed by the statement “now you have a choice”. The seriousness of the choice was illustrated by two emergency brakes appearing in view, one marked “pensions” and the other marked “immigration”. The film then showed an elderly lady with a walking aid (a rollator), who appeared to be chased by a group of women dressed in *burkas* and *niqabs*, some pushing baby strollers. The voice then said, “on 19 September, you can choose the immigration brake before the pensions brake. Vote for the Sweden Democrats!” (Sverigedemokraterna 2010b).

The advert sparked heated debate, with critics arguing that it was xenophobic, even racist (Hamrud and Ovarford 2010: 271). The main reason for these epithets was the portrayal of Muslim women as a threat. The Sweden Democrats claimed that all the film did was to illustrate an economic trade-off, and that it was not targeting immigrants or any particular group of immigrants. The Sweden Democrats’ response was that the decision amounted to censorship. The ban was not particularly effective. The advert was frequently viewed on the Internet, and a modified version was subsequently aired on TV 4. The part showing women in *burkas* and *niqabs* was covered by a screen with the text “Censored by TV 4. See the uncensored film at www.sverigedemokraterna.se” (Sverigedemokraterna 2010b). The affair allowed the Sweden Democrats to play the role of the brave underdog, standing up to oppression by the establishment. Unlike New Democracy in 1991, the Sweden Democrats were not given a place in the televised party leader debate two days before the election, but they did receive a higher level of media coverage than in any earlier election. In the book *The Performance of Politics*, sociologist Jeffrey Alexander (2010) astutely observes,

> To enter into the state and to be in a position to pull the levers of organizational and material power, those who struggle for democratic power must first become authoritative. They gain authority by speaking on behalf of sacred values and against
profane ones. By evoking such cultural valences, these claims for power gain legitimacy from citizen audiences before electoral decisions are made (Alexander 2010: 282).

In the lead-up to the 2010 general election, the Sweden Democrats’ claim to authority was that they were the only representatives of the demos who truly understood the political vision underlying the social conservative founders’ concept of Folkhem (Sunnemark 2014: 14). The Sweden Democrats’ re-appropriation of Folkhem and traditional Swedish social welfare ideology was based on a mono-cultural, homogenous conceptualization of civil society (Ekman and Poohl 2010; Sunnemark 2014). As proponents of a more traditional, ethnic and exclusionary nationalism, the Sweden Democrats represented themselves as the only party capable of safeguarding the Swedish welfare state from the threat posed by multiculturalism more broadly, and Islam in particular.

During the 2010 election campaign, the Sweden Democrats initiated a process of anchoring their anti-immigration ideology with mainstream views about such policies as welfare and taxation, in order to garner greater leverage on mainstream parties. In other words, the Sweden Democrats began focusing on the preservation of the Swedish welfare state, familiarly referred to as Folkhemmet or ‘The People’s Home’. As scholars Anders Hellström and Tom Nilsson (2010: 59) argue, the reformation of the Sweden Democrats along more moderate lines included a strong emphasis on a combination of “classic neo-Right rhetoric with a strong defence of the Social Democratic welfare model, which distinguishes it from other more neo-liberal oriented neo-Right parties.” The party’s reformation in this regard provided it with greater positional power to wield stigma as the transformative praxis of political actors of the NCR. In its election manifesto tailored for the Eskilstuna Municipality, the cover photograph depicts two elderly women leaning against each other on a park bench, their bare, venous feet exposed. The image captures the vulnerability and neglect of the elderly which, the Sweden Democrats purports, is emblematic of the policies of mainstream parties. Here, the cost of immigration is weighed against the needs of other social groups in need of assistance:
The large influx of asylum seekers and the centre-right Alliance’s failed integration policies have resulted in enormous costs and the weakened ability of the welfare system to support people in real need of help (Åkesson 2011).

Rydgren and Widfeldt (2004: 25) describe this line of argument as “welfare chauvinism”, a populist approach where the needs of different groups in society are pitted against each other. The opening lines of the party’s Principles’ Manifesto (2011) read:

The Sweden Democrats are a social conservative party with a fundamentally nationalist outlook, which views social conservatism and the preservation of a solidaristic welfare model as the most important instruments for creating a good society (Sverigedemokraterna 2011: 1).

The acquisition of positional power for the Sweden Democrats’ securitization speech acts was enabled through the use of in-group stigma as the transformative praxis of the NCR, targeted at established parties for their ‘failed’ asylum and integration policies – policies that allegedly compromised the Folkhemmet. Mainstream parties were stigmatized for effectively betraying the national community and its unifying values rooted in ethnic conceptualizations of Swedish citizenship. Transformative in-group stigma was used to erode trust in the Swedish government. This involved condemnation of the government for its alleged failure to protect the demos from the threat of asylum seekers, and exacerbating the vulnerability of Swedish citizens through the promotion of generous asylum policies.

In a parliamentary debate in 2013, the Sweden Democrats reiterated their distaste for asylum policy, and distrust in the Swedish government more generally, for allegedly prioritizing asylum seekers over citizens. In a heated response to advocates of generous asylum policies from the Left Party, Sweden Democrats MP Björn Söder argued,

Are you saying that those who are sick, the elderly and our children do not deserve the freedom of choice in the same way as the profiteers in the asylum industry are worth the benefits you, (Ulla Andersson), apparently believe that they are entitled to? If you
are against gains in welfare, you may well not be for the *hideous profits* available in
the Swedish asylum industry? (Sveriges Riksdag 2013a: 205).

In its election campaign, the Sweden Democrats’ project of radical national renewal required
the marginalization, silencing or removal of the political elite whose softness, deviance and
disloyalty would emasculate the nation. Their emphasis on the abuse of the Swedish welfare
model by leading politicians and asylum seekers was used to de-legitimize the Swedish
government’s asylum policies. For the Sweden Democrats, reaffirmation of national identity
and purpose entailed the destruction of the enemy within (constructed here as members of
the HNC) as well as confronting enemies without.

3.3 Out-group Stigma

As alarmists, the political elite of the far right-wing party has demonstrated cunning and skill
in articulating the ‘threat text’ of asylum seekers. Out-group stigma that has been cast at
asylum seekers is closely tied to ‘threat texts’ that (1) construct incidences of exception as
deviance; (2) engage in image distortion and misrepresentation of the ‘Other’; and (3)
sanction security moves in the name of guarding against the alleged ‘national security threat’
presented by asylum seekers. The Sweden Democrats’ ability to construct exception as
deviance was evident in the abovementioned television campaign ad, which demarcated
Muslim women dressed in *burkas* and *niqabs* as the exception from the more liberal choices
of dress. The construction of Muslim women’s choice of garment as deviant from the norm
is reflective of the larger political symbol of Islam – a symbol of repression and control over
Swedish society. The baby strollers, which the women push, are symbolic of the fear that
Muslims will become a majority in Sweden in the near future. The rhetoric, which is based
on assumptions of the Muslim population as insular, in breeding and anti-democratic,
describes this phenomenon as ‘the demographic bomb’. The Sweden Democrat MP Kent
Ekeroth commented on the fact that the first child that was born in Malmö in 2011, and who
had been given the name Ahmed, was in fact,
A symptom of Malmö – a symptom of Islamization – a symptom of the demographic bomb (quoted by Lagerlöf, Leman and Bengtsson 2011: 16).

A cumulative relationship exists in the distortions and misrepresentations of asylum seekers, Muslims in particular. Dehumanizing conceptualizations have been used by the Sweden Democrats to construct the asylum seeker as a national security threat, as a tax burden, and as animal, laying the foundation for the party’s securitizing speech acts. A central element of national political culture promoted by the Sweden Democrats in the lead-up to the 2010 general election involved a mythology of national degeneration and crisis, catastrophes recent or imminent attributable in large part to the active presence of culturally incompatible alien bodies within the corpus of the nation, weakening Swedish society and leaving it profoundly vulnerable. Such distortion and misrepresentation was particularly evident in the dominant metaphors of their securitization speech acts, which involved the depiction of foreign-born-men as animalistic rapists, responsible for a surge of rape across Sweden. In their ‘campaign against rape,’ initiated in 2001 and augmented before the 2010 election, the Sweden Democrats most visibly presented Muslims as a ‘security threat’ to the Swedish demos. Though immigrants are, in fact, over-represented as perpetrators in rape statistics, the Sweden Democrats selectively left out several relevant factors, like socio-economic determinants, to encourage the perception of a single cause determination – the link between the prevalence of rape and ethno-religious background (BRÅ 2002).

The in-group stigma allocated towards the government as the transformative praxis of the NCR eclipsed the stigma attached to asylum seekers in this regard. Negligence on the part of the centre-right Alliance government was alleged to have enabled the criminality of deviant asylum seekers to thrive. In 2010, leader of the Sweden Democrats, Jimmie Åkesson, alleged that,

Assault has increased by 40% during the past decade. Sexual violence is increasing catastrophically. Sweden tops in rape statistics, not only in Europe but worldwide. It is
not enough to just talk… the government has been criticized for not having done any follow-up in terms of crime prevention (Sveriges Riksdag 2010: 8).

The Sweden Democrats’ argument that Muslim asylum seekers are responsible for the rise in the number of reported rape offences during the 2000s has been used to promote hate and intolerance. However, Sweden’s National Council for Crime Prevention has cautioned against comparing crime data across European countries, and attributes Sweden’s statistics to high rates of reporting rape, and a broadening of the definition of rape in 2005 (Gray 2016). Although the number of reported rape offences has increased over the last ten years (2006-2015), the increase can be partially explained by the entry into force of new sex offence legislation on 1 April 2005 to classify certain acts that were previously classified as sexual exploitation, as rape. The effect of the statutory change was that the number of reported offences in respect of sexual coercion and exploitation declined in the years immediately following 2005, while the number of reported rapes increased (Brå 2016).

For the Sweden Democrats, however, the over-representation of Muslim males in rape statistics is due to cultural differences between Islam and the West. The party thereby presents a distorted view of asylum seekers from states like Iraq, Somalia and Syria, tying the alarming statistic to the racial, ethnic and cultural attributes of these Arab/Muslim males. According to party leader Jimmie Åkesson, the methods for reducing rape in Sweden include a restriction of immigration from Africa and the Middle East (Poohl 2010; Ramalingam 2012: 44). In their report, the Sweden Democrats drew on 114 district court rulings from 2009 in cases of rape or aggravated rape. Muslim males of Arab descent were over-represented in the group of convicted rapists as 48% of perpetrators or 55 cases were born outside of Sweden, with 39.5% of the total born outside of Europe (Simpson 2010).

The provocative element of the Sweden Democrats’ speech acts in this regard was the use of terms such as ‘cultural crime’ only when specific crimes are detected among the ranks of specific sections of the wider society. The Sweden Democrats’ attempt to link horrific crimes committed by individuals to their ethnic, cultural, and religious identity is vastly
removed from the practice of isolating crime from the ethno-cultural realm, where the criminal stems from the Swedish majority. In the latter case, the deed is assigned to an individual’s behaviour, or delinquency, which can only be interpreted in the specific circumstances related exclusively to that particular individual. The ‘threat text’ of the deviant ‘Other’ thereby consists of the cumulative binding these three levels: constructing exception as deviance, then engaging in image distortion and misrepresentation of the ‘Other’, followed by the advocacy and adoption of security moves, invoking exceptionality and ‘threat’, and enforcing exclusions in the area of human rights and liberties under international law.

Following the December 2010 suicide bomb attack in Stockholm, the Sweden Democrats used the event as fuel to their fire, with several SD politicians reiterating that the party had warned that Islamic extremism was one of Sweden’s greatest threats. Equating Islam with terrorism, Åkesson argued that,

   [This] is a real threat that even Sweden faces. Sweden is not spared from this kind of threat (Sveriges Riksdag 2010: 34).

In response, Liberal Party leader, Jan Björklund, emphasized the importance of an open and tolerant society, particularly so in the light of the Stockholm Suicide Bomber. Warning of the fear-mongering tactics of the Sweden Democrats and stigmatizing them for hurling unqualified generalizations at the Swedish Muslim population, Björklund contended,

   We don’t blame everyone from the town of Tranås because he came from there… so we shouldn’t blame all immigrants for his crime either. Don’t confuse increased security with increased intolerance (Sveriges Riksdag 2010: 35).

Shortly after this initial confrontation in the first parliamentary debate of 2011, the Sweden Democrats demanded a debate in Parliament on Islamic extremism, with Åkesson arguing that a debate on the issue had been inhibited by political correctness, and that there was an increasing public interest in the political response to Islamic extremism and what
preventative measures would be taken. Despite the protests of the Sweden Democrats on subjects of Islamic extremism and migration, an early cross-bloc agreement between the Swedish centre-right Alliance, led by Prime Minister Fredrik Reinfeldt, and the Green Party on the issue of immigration hindered any Sweden Democrats’ influence on the subject in the Riksdag at the time (Ramalingam 2012).

4. A Closer Look at the 2014 General Election

At the time of the 2014 general election, Sweden was expecting up to 80,000 asylum seekers from Syria, Eritrea, Somalia, Afghanistan, Iraq and other countries - the highest number since 1992 (BBC 2014). The Sweden Democrats continued to campaign for the securitization of asylum in the lead-up to the election, while the centre-right Alliance pleaded with the electorate to support their humanitarian response towards asylum seekers. A Novus opinion poll conducted two weeks before the 14 September election revealed that Sweden’s centre-left opposition parties had enough support for a majority (47.1%), while combined support for the centre-right Alliance had waned to 38.5%. The poll found the Moderate Party had the support of 22.4% of the electorate, while support for the Social Democratic Party had climbed to 30% (Novus 2014). The Sweden Democrats were poised to deepen their foothold in the Riksdag with 10.4% of the electorate’s support (Novus 2014). However, a majority from either bloc was far from certain.

The Swedish general election held on 14 September 2014 resulted in much consternation as no party or Coalition won a majority of seats in the Riksdag. While the Social Democratic Party managed to gain the highest number of votes, it was unable to reach a majority in the Riksdag, rendering it one of the weakest minority governments in Swedish history. The Social Democratic cabinet needed to seek support from other parties in the Swedish Riksdag. As a result two blocks were formed – on the Left, the Social Democrats formed a coalition cabinet with the Green Party and the Left Party (holding 159 seats) and on the Right, the
centre-right Alliance was forged comprising the Moderate Party, the Liberal People’s Party, the Christian Democrats and the Centre Party (141 seats). Social Democrats’ leader Stefan Löfven was officially elected as the new head of government with 132 votes for Löfven, 49 against, and with 154 MPs from the center-right Alliance abstaining (Jacobsen 2014). Equally significant, the balance of power ended up in the hands of the Sweden Democrats, with whom all of the seven other parties had sworn not to co-operate. The Sweden Democrats more than doubled their share of the vote to 12.9% despite the relentless efforts of political elites to stigmatize and isolate them. The Sweden Democrats, led by Jimmie Åkesson, had won 49 of 349 seats to become the third largest party in Sweden (Sveriges Riksdag 2014).

The uneven distribution of votes led the Coalition government to a serious crisis in the wake of the 2014 election, when Löfven’s Coalition sought support for the state budget. The Sweden Democrats, who held the balance of power, broke with protocol to vote down the new government’s first budget. The Coalition was left paralyzed and Löfven called an exceptional meeting with opposition figures (excluding the Left Party, which supported the Coalition’s proposal, as well as the Sweden Democrats). In view of the criticality of the situation, Löfven announced that if the two blocs failed to reach an agreement, the Coalition would have to resign. In this scenario, an early election would be set for March 2015. The threat of the Sweden Democrats holding even greater power in such a situation grew more real, as public opinion polls from the end of 2014 placed the Sweden Democrats at 18% of the popular vote. Additionally, the Moderate Party’s loss of voters to the Sweden Democrats meant that the far-right party could ascend to become the second largest party in Sweden, had an early election been held (Lišaníková 2015). The consequences of this outcome would have been far-reaching for Sweden as well as for other European countries where similar populist, anti-immigration and anti-establishment parties have been gaining momentum.

Faced with the threat of a snap election, the centre-right Alliance, the Social Democrats and the Greens negotiated a limited-aggression pact, designed largely to deprive the Sweden
Democrats of parliamentary influence. The pact, called the ‘December Agreement’, allowed a minority government’s budget to pass. The agreement stipulated that during this parliamentary term and the next one, the smaller of the two party constellations – on the right, the Alliance and, on the left, the current government parties and the Left Party – will let the larger one govern. Each constellation has pledged, if in opposition, to approve the other one's prime minister and budget – even if the bigger constellation lacks a parliamentary majority, and irrespective of what its budget prescribes. The agreement mentions three areas – defence, energy and pensions – in which explicit consensus between the constellations will be pursued.

Having excluded the Sweden Democrats from the negotiations, the December Agreement was a bold statement expressing the solidarity of mainstream parties of the HNC against the xenophobic anti-asylum policies that the Sweden Democrats endorsed. The HNC’s application of in-group stigma was applied preservatively to challenge and denounce the populist party’s enduring strain of exclusionary ethnic nationalism. This is a fundamental difference to Australia, where ethnic nationalism has remained unchallenged by members of the HNC. For their part, the Sweden Democrats utilized out-group stigma to criminalize Muslim asylum seekers in particular. As members of the NCR, the Sweden Democrats wielded in-group stigma transformatively by subverting the civic nationalism underpinning the Swedish notion of Folkhemmet in constructing the nation as an idyllic, homogenous ethno-cultural body, to which the Muslim ‘Other’ cannot belong at all.

Table 7.2 below depicts how stigma was allocated by the HNC and the NCR during the course of the election. As the HNC, the centre-right Alliance and the Red-Green bloc wielded in-group stigma preservatively, while the Sweden Democrats as members of the NCR wielded in-group stigma transformatively. In 2014, as in 2010, the Sweden Democrats were the only party to stigmatize asylum seekers as the societal out-group. As Figure 7.2 illustrates, the Sweden Democrats were the only securitizing actors in the 2014 election.
Parties of the Red-Green bloc and the centre-right Alliance, as members of the NCR, represented the non-securitizing actors of the HNC.

Table 7.2 Allocation of stigma by norm circles of the political elite in parliament in the 2014 election.

<table>
<thead>
<tr>
<th>Hegemonic Norm Circle (HNC)</th>
<th>NCR</th>
<th>Red-Green Bloc</th>
<th>Centre-Right Alliance</th>
<th>Far-Right</th>
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<td></td>
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<td>Left</td>
<td>S</td>
<td>Greens</td>
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<td>(1) In-Group Stigma (Transformative)</td>
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<td>(2) In-Group Stigma (Preservative)</td>
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<td>(3) Out-Group Stigma</td>
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Figure 7.2 The HNC and NCR on two political dimensions of asylum policy in the 2014 general election.
4.1 The NCR and In-Group Stigma (*Transformative*)

In the 2014 election in Sweden, the Sweden Democrats continued on its trajectory to subvert and radicalize civic conceptualizations of national identity, by endorsing and enforcing the ‘anti-norm’ – exclusionary constructions of ethnic national identity that provoke xenophobia, and promoting a nostalgic longing for the ethno-cultural homogeneity at the mythic core of its version of *Folkhemmet*. Their promotion of ethnic nationalism centred on security speech acts as well as welfare chauvinism. MP David Lång expressed the Sweden Democrats’ palingenetic ultra-nationalism here, in his demand for transparency on the costs of the government’s asylum policy:

> The government must thoroughly investigate how much of the taxpayers’ money that is spent to maintain the conduct of asylum and immigration policy. This includes maintaining statistical records on how much the welfare system is exploited by non-European immigrants and to estimate the cost of this… (Sveriges Riksdag 2013b: 55).

During the 2014 election campaign, the rise in popularity of the Sweden Democrats’ policies resulted in a rise in the party’s power to construct, and establish asylum seekers as an existential threat to Swedish society. The lofty moral standards to which Swedish society is currently held (and the massive efforts in collective identity change involved in order to attain these standards) were threatened by the radical right party. The party’s securitization speech acts included calls for an arbitrary form of preventive detention of refugees and asylum seekers, authorizing law-enforcement agencies to “seize people preventively and detain them for up to twelve hours,” as well as laws “that can detain people for up to 40 days if they interfere with police work” (Sveriges Riksdag 2013c: 11). The party sought to erode the positional power of the government, by accusing established parties of censoring perpetrator descriptions in order to preserve the ethno-neutrality of the criminal. The Sweden Democrats claimed that such censorship protects the criminal ‘Other’, whilst victimizing innocent members of the *demos*. MP Richard Jomshof of the Sweden Democrats contended,
It is established protocol for police to publicize descriptions of offenders in the hope of getting information that may lead to an arrest, and to promote greater vigilance. Unfortunately, it has become more common for police to omit important information about the offender’s ethnicity, for fear of breaking ‘politically correct’ standards, and being accused of racism… **You should not censor the perpetrator descriptions when they should be communicated to the public** (Sveriges Riksdag 2013c: 11).

The Sweden Democrats have accused the police and the media of deliberately under-reporting crimes committed by persons of immigrant ethnicities in order to avoid encouraging anti-immigrant sentiment. It is police policy not to comment on the ethnic background of perpetrators of any crime.

As part of their securitization discourse, the Sweden Democrats have called for a special task force, the gendarmerie, for domestic security situations that “require heavier armament”, citing “recurring riots” as cause for militarized, securitization moves. On the 19th of May 2013, youth in the Stockholm suburb of Husby rioted in response to the shooting and killing by police of Lenine Relvas-Martins, an elderly Portuguese immigrant, who had confronted police for breaking into his apartment (Karang 2013). Demonstrations of hostility towards the police during the riots, which subsequently spread to the neighbouring suburbs of Rinkeby and Tensta, were attributed to increased poverty, which had grown from 4% in 1995 to 9% in 2010, much of which is concentrated in suburbs such as Husby where the riots occurred (Kustermans 2014). Rather than preserve the democratic space and engage with the root causes of the protest, the Sweden Democrats responded with propositions for greater law enforcement. In order to protect civilians from the ‘existential threat’ of violent riots by the uncivilized ‘Other’, the Sweden Democrats advocated a Swedish *gendarmerie*, a military force charged with police duties to be administered amongst civilian populations. In a parliamentary debate prior to the 2014 election, MP Mikael Jansson of the Sweden Democrats argued:
Sweden has, since the tragic events in Ådalen 1931, issued a ban on the use of military units over domestic security issues. This is not entirely unproblematic. Over time it has become clear that situations do arise where the regular police capacity is not sufficient, which, we have among other things, tried to fix by setting up a special task force for situations that require heavier armament. The situation today with recurring riots in our cities presents a new type of pressure that our regular police organization is not prepared to cope with (Sveriges Riksdag 2012b: 1).

In addition to presenting themselves as ‘local heroes’, the Sweden Democrats attempt to acquire positional power by reinforcing positive Self-presentations as ‘international altruists’. The ‘apparent altruism move’ (van Dijk 2006: 155) is used to showcase the party’s empathy and understanding for “the most vulnerable and needy refugees” who remain close to conflict zones, thereby creating the impression that the Sweden Democrats are pursuing the interests of ‘genuine’ refugees. As MP Sven-Olof Sällström of the Sweden Democrats contended,

We move away from a policy that is extreme in European perspective, and end up in the mainstream. We give priority instead to help the most vulnerable and needy refugees - those who remain in the areas they come from and who will never get away. We do this for example by strengthening the UN's refugee agency, UNHCR, which still has only received about half of the money that you need for the emergency situation in and around Syria. There are millions of refugees there, who will not have the opportunity to get to Anders Borg and alliance government refugee centre on Bert Karlsson’s holdings in Blekinge, for example (Sveriges Riksdag 2013d: 9).

These positive Self-presentations have been part of the image remake of the Sweden Democrats, which can be viewed as the party’s attempt to shift from the zone of irresponsible politics to the politics of the ‘less extreme’, in order to enhance opportunities for political influence in alliance with mainstream parties. The Sweden Democrats argue that it is more humanitarian to close Swedish borders but increase government spending to keep asylum seekers in host countries in their region of origin. Using this façade of humanitarianism, they claim that such acts would be for “[the asylum seekers’ own] good”,

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whereas the real ideological basis of such discursive moves is the interest of the securitizing actor – to frame asylum seekers as the ‘enemy within’ whilst stigmatizing mainstream parties for the short-sightedness of their asylum policies. As Björn Söder of the Sweden Democrats argued,

We… invest 5.5 billion more in aid to refugees in UNHCR’s auspices during the coming budget period than what the government does. Our money will help many more people who do not have the privilege of being able to get to Sweden. Our policy is humane. Your policy is inhumane (Sveriges Riksdag 2013a: 205).

The Sweden Democrats pitched themselves as a humane political party that provided durable solutions to the asylum issue. By proposing to reduce Sweden’s asylum intake and significantly increase Sweden’s foreign aid to the UNHCR and refugee host countries in neighbouring conflict zones, the Sweden Democrats sought to de-legitimize the HNC’s inclusive policies that allegedly undermined the needs of Swedish citizens.

In the lead up to the 2014 election, the Sweden Democrats took pride in presenting their party as ‘local heroes’ – the only party in the Riksdag prepared to stand up for the Swedish people by challenging the ‘existential threat’ presented by Islam. Appealing to the anti-Islam and anti-asylum preferences of their voters, party leader Jimmie Åkesson declared that,

the Sweden Democrats will work to give the Swedish Security Service (Säpo) extended powers to clamp down on Islamists in Sweden (Åkesson 2014).

Positive Self-presentations of the Sweden Democrats were combined with specific referential strategies. They were discursively utilized to construct a dichotomous world of ‘insiders’ and ‘outsiders’, of ‘them’ and ‘us’, and stigmatize established parties for their failure to protect the demos from the ‘existential threat’ posed by Islamic asylum seekers. These explicit discourses contribute to the party’s quest to establish the dominance of exclusionary norms on asylum in Sweden.
4.2 The HNC and In-Group Stigma (*Preservative*)

The praxis of stigma that emerges structurally from the HNC is *preservative* of hegemonic norms, and ensures that securitization *speech acts* are not successful in the Riksdag. As constituents of the parliamentary audience, established parties attempted to erode the positional power of the Sweden Democrats as securitizing actors through the use of in-group stigma. In the wake of the 2014 general election, the isolation of the Sweden Democrats and their representation as a threat to Sweden through their radical subversion of civic forms of national identity was plainly manifest in the December Agreement. This approach by mainstream parties was markedly different to the parliamentary reception of radical right-wing parties in neighbouring Denmark and Norway. There, radical-right challengers have been gradually accommodated. The Danish People’s Party has formally supported a centre-right government for years, while the Norwegian Progress Party entered government for the first time in 2013, in Coalition with the Conservatives, supported by two centrist parties. In Sweden, by contrast, the *cordon sanitaire* around the Sweden Democrats has been tightened since 2010.

The Centre-Right Alliance and the Social Democratic Party have sought to combat the in-group stigma wielded by the Sweden Democrats, in order to maintain their positional power as non-securitizing actors by upholding civic conceptualizations of Swedish national identity. Their endorsement of norms of solidarity, egalitarianism and human rights under international law has ensured that the issue of asylum has remained strongly attached to a humanitarian framework. Furthermore, the Swedish government has justified its intake of asylum seekers from Syria, suggesting that these refugees are highly qualified and pose minimal integration problems. On 24 January 2014, Ulf Berg and Mikael Cederbratt of the Moderate Party argued in support of the government’s decision to offer permanent residency to Syrian asylum seekers:
We stand up for Sweden’s asylum policy. The war in Syria is a human disaster and Sweden takes great responsibility in alleviating the suffering. When it comes to asylum seekers from Syria, integration is a small problem, because those who come here are often highly educated and skilled in languages (Berg and Cederbratt 2014).

Stressing current and future labour market shortages, the government advocated generous asylum policies and challenged the out-group stigma attached to asylum seekers by demonstrating the economic contributions of refugees. Linking the debate on Sweden’s intake of Syrian asylum seekers to statistical data on Sweden’s ageing population and labour market demands, Berg and Cederbratt argued,

Within ten years, 1.6 million people would have retired. As the proportion of elderly people is increasing rapidly, the labour shortage is expected to be great in areas such as health care… There will also be a shortage of 30,000 engineers in 20 years, which threatens growth. Our future prosperity depends on more people move to our country. Sometimes we hear that immigrants are only taking contributions and a drain on society. It is not difficult to pick out certain groups and point to that during a certain time costs money. If we expect our children are older or of course not at all profitable. Calculations clearly show that immigrants as a group pays more in taxes than they cost in the form of grants. The dynamic effects of migration so that increased trade and exports, consumption and growth to come into the equation (Berg and Cederbratt 2014).

In Sweden, mainstream parties counter the tangible threats posed by the Sweden Democrats to their socio-political status and power with the application of stigma (Stangor and Crandall 2003: 73). The Sweden Democrats present a threat to mainstream parties by challenging their ‘generous’ asylum policies, their egalitarian and humanitarian worldview, and their credibility within the Swedish electorate and the EU. This symbolic type of stigmatization comes from the Sweden Democrats’ violations of core values, such as egalitarianism and anti-racism, through their intolerance of particular religious beliefs (Islamophobia). Indeed, the image of Sweden as a leader in humanitarianism was overtly threatened in the 2014 general election by the growth of the anti-immigration party, the Sweden Democrats. On 24
February 2014, MP Johan Linander of the Centre Party acknowledged the problems associated with the integration of refugees and asylum seekers in Swedish society, but condemned the Sweden Democrats for exacerbating segregation issues by demonizing refugees and asylum seekers. He argued,

Sure there are problems with segregation, problems with alienation, problems with youth gangs and problems with crime in the suburbs. But the Sweden Democrats’ terrible generalizations, spreading myths and designation of immigrants as a group as responsible for all the problems and all the evil that is creating just one single thing. It creates an even greater alienation, yet more young, angry people having lost faith in the future and even more trouble. Those who commit crimes should be, whether they are of Swedish or any other ethnicity, treated in the same way. Hopefully they’ll be prosecuted and convicted. But there are generalizations that become so wrong. The Sweden Democrats have not a single solution to the problems that exist. They only create more problems (Sveriges Riksdag 2013c: 22).

There are several major threads running through Swedish history that were reinforced, remembered and capitalized upon by dominant politicians in their election manifestos and parliamentary debates. The Social Democrats, the oldest and largest political party in Sweden, were instrumental early on in promoting democracy as a quality that was intrinsically Swedish. Ingrained in this Social Democratic notion was the understanding that Swedes were not only inherently democratic and freedom-loving, but egalitarian. Democracy and egalitarianism were thus not simply a matter of ideology or constitutional writing, but were understood as rooted in the very soul of the people. Thus, they have become part of a national narrative that cast the Swedes as “having democracy in the blood” (Trägårdh 2002: 77). These social norms of democracy and egalitarianism also encompass human rights and tolerance – norms that were strongly emphasized in the 2014 election campaign. The reaffirmation of human rights, tolerance and egalitarianism in the election campaign and in parliamentary debates by the centre-right Alliance and the Social Democratic Party has been used to retain support and maintain electoral advantage over the Sweden Democrats on the
asylum issue.

For spreading its xenophobic and Islamophobic anti-asylum prejudices in the *demos*, the radical right-wing party was severely stigmatized. On 10 September 2014, Social Democratic Party leader, Stefan Löfven, published an article in the Swedish newspaper, *Aftonbladet*, addressing the need to stop racism. He stated,

> [W]e have struggled for sobriety, for religion, for the right to democracy and freedom of association. Now we must join together again to liberate Sweden from racism, Nazism, Islamophobia and anti-Semitism… Fascism grows in Sweden… Prejudice and contempt seeps through every part of our society. Sweden must now take vigorous action to open up our labour market, politics and society for all. If our society is to stand up against the forces that organize, legitimize and normalize bias, it requires knowledge; knowledge and a willingness to speak up… [W]e all also have a personal responsibility to fight fascism. And it’s time we take that responsibility (Löfven and Ernman 2014).

In their refugee policies, mainstream political parties from both the centre-right Alliance and the Red-Green bloc of the Swedish Parliament have explicitly argued against racial inequality and discrimination towards ethnic minorities – namely groups of refugees and asylum seekers. The anti-racist discourses of mainstream parties focus on the traumatic plight of the asylum seekers, and are based on human rights norms and international refugee law.

In parliamentary debates, mainstream parties have been critical of the Sweden Democrats’ proposals for severely restrictive policies on family reunification and labour market integration, and their call for the cessation of permanent residence visas of refugees and asylum seekers amongst other things. In a parliamentary debate on 20 November 2013, Anna Kinberg Batra from the Moderate Party linked the Red-Green bloc and the centre-right Alliance’s humanitarian ethos on asylum and migration to a progressive and open economy that attracts foreign talent. She argued that the Sweden Democrats’ anti-immigration policies, premised on exclusionary norms, deprive Sweden of the economic growth that
comes with open border policies:

The reason it is so hard to take Sven-Olof Sällström’s and the Sweden Democrats’ policy seriously found on page 176 of the report, which states that “overseas asylum and family reunification should be reduced by at least 90%” and that “the grant of permanent residency for asylum seekers should cease completely.” It demands changes to labour migration policy. On that premise, it is difficult to discuss economic policy, because Sven-Olof Sällström pulls the rug from under our feet, going against what Sweden stands for. We must be open… You should be able to come here from all over the world to work. What the Sweden Democrats do not understand is that this is essential for the Swedish economy. Having a country open to the world, where people can come to work enables the economy can grow. This is not possible with your policy (Sveriges Riksdag 2013d: 27).

These discourses build on several Swedish governmental initiatives to combat racism and similar forms of intolerance, including anti-Semitism, Islamophobia, Afrophobia and Romaphobia. Since 2008, SEK 6 million a year has been allocated to this support (Regeringskansliet 2009). On 1 January 2009, the Discrimination Act (Government of Sweden 2008: 567) entered into force. The Discrimination Act prohibits discrimination associated \textit{inter alia} with ethnicity, religion or other belief (Regeringskansliet 2013: 3). Indeed, norms of egalitarianism and equality featured very strongly in the asylum policies of mainstream parties. In articulating her indignation and revulsion at the Sweden Democrats’ utilitarian approach to asylum policy, MP Ulla Andersson of the Left Party stigmatized the Sweden Democrats for contravening norms of humanitarianism and human rights:

To begin with, I want to be clear that there are fundamental differences in economic policy between the Sweden Democrats and the Left. \textbf{We see all people as equals, regardless of where one is born.} It almost \textbf{feels dirty} to be here, listening to this kind of rhetoric (Sveriges Riksdag 2013d: 11).

In their discourses, parties of the Red-Green bloc and the Centre-Right Alliance made
extensive use of humanitarian and human rights ideologies, often with allusions to the positive contributions that highly educated refugees and asylum seekers make to the Swedish workforce. The conflation of labour migration with refugees and asylum seekers was a central tenet of the ‘open borders’ and ‘open economy’ arguments used to justify existing refugee policy, and stigmatize the Sweden Democrats for their ‘closed borders’ and anti-asylum policies.

In his last speech as Prime Minister before the 2014 election, Frederick Reinfeldt urged Swedes to reject securitization speech acts of the far right party and the xenophobia that it propagates. Calling on Swedes to demonstrate compassion and “open [their] hearts” to asylum seekers, Reinfeldt urged,

I want to remind you that we are a nation that has, in the past, stood up to oppression and been open to people who have endured persecution and other severe trials. We now have people fleeing [oppression] in numbers similar to what we had during the Balkan crisis of the early 1990s. Now, I appeal to the Swedish people to be patient, to open your hearts to people in severe distress, whose lives are threatened, [and] who are fleeing to Europe, fleeing to freedom, escaping to better conditions (Reinfeldt 2014).

Reinfeldt’s speech epitomized the effort made by the Alliance and the Red-Green bloc to reject securitization speech acts of the far right-wing party. Here, Reinfeldt sought to reconfigure the asylum discourse by emphasizing norms of democracy, tolerance and, most of all, anti-racism. Bicchieri (2006) argues that norms can be ‘cued’ or made salient in particular environments. For mainstream parties, the norms of human rights under international law became highly salient when threatened in the 2014 general election, and manifested clearly in the self-protective measure, anti-racism.

Racism as a concept is commonly loathed in public discourse, but the conceptual boundaries of the term ‘racism’ and a ‘racist’ stigma vary by national context. In the case of Sweden, the use of stigma has been central in the recent elections to make the ‘deviant’ conform and re-
join the in-group, a process referred to as re-integrative shaming (Braithwaite 1989), as well as to clarify for other voters the boundaries of acceptable behaviour and identity and the consequences of non-conformity (Erikson 1966). In either case, the goal has been to increase conformity with norms of international law endorsed and enforced by the major parties themselves (and which have, through the course of the 2014 election, remained ideologically symmetrical).

4.3 Out-group Stigma

In the course of the 2014 general election, out-group stigma was used by the Sweden Democrats as the NCR to construct asylum seekers as ‘existential threats’ in ways that closely resembled the 2010 election. In order to accumulate positional power, the Sweden Democrats wielded in-group stigma \textit{transformatively} to erode the positional power of non-securitizing actors, in tandem with out-group stigma poised to construct a ‘threat text’ of asylum seekers as the ‘enemy within.’ Discursive techniques including negative lexicalization, hyperbole, the explicit association of asylum seekers with illegality and concretization were especially prevalent in the securitization discourse of the Sweden Democrats. Additionally, the party’s successful mobilization of supporters to promote ethnocultural dominance is evident in the popularity of the Sweden Democrat’s party-related site Avpixlat. Avpixlat has been labelled a ‘hate site’ for its expressions of violence and xenophobia (The Local 2013).

Negative lexicalization, which involves the selection of strongly negative words, was rampant in the securitization speech acts of the far right-wing party. The hostility of the Sweden Democrats towards asylum seekers was palpable in party leader Jimmie Åkesson’s summer speech, delivered a month before the September 2014 general election. Åkesson explicitly linked Muslim asylum seekers with crime and violence, constructing Islam as a fundamental threat to Swedish society:
Islamism is the Nazism and communism of our time. It has to be met with disgust and much stronger resistance than has so far been the case (Åkesson 2014).

Hyperbole was often used in the securitization discourses of the Sweden Democrats to describe events, such as the Husby riots of 2013, in strongly exaggerated terms, in order to polarize the debate on asylum seekers. Although Stockholm has been hit by riots in poor and marginalized areas several times since 1719, the most recent riots in 2010 and 2013 drew wide support for the Sweden Democrats’ anti-immigration policies. With regard to the jobless refugee youth who took part in the riots, Åkesson argued that, “mass unemployment is primarily imported” and “immigration risks destroying the welfare state by creating ‘parallel societies’ of people that don’t think of themselves as part of Swedish society” (Carlstrom and Magnusson 2014).

As Van Dijk (2006: 156) argues, “the most fundamental way of establishing a distinction between ‘them’ and ‘us’ is not only to describe ourselves in benevolent terms and them in negative terms, but to emphasize that the ‘Others’ violate the very norms and values we hold dear”. By allegedly violating these norms and values, the out-group of asylum seekers is excluded from the realm of civilization, if not of humanity. MP Richard Jomshof of the Sweden Democrats described the influx of crime that has coincided with the influx of asylum seekers, which he claimed has victimized the local population:

[W]e see how these immigration-related tensions are becoming more common [in Europe], especially in the troubled suburbs. Clear signs of these stresses [include]… everything from organized crime, smuggling of drugs, arms and human trafficking to robbery, assault and gang rape… insecurity [is] spreading in areas marked by the failure of multiculturalism. These are areas where the community and the police have lost control, where gangs of young people from immigrant backgrounds are in control, and where the majority of the population dare not set foot outside at night for fear of being subjected to crime (Sveriges Riksdag 2013c: 8).
The association of asylum seekers with crime and illegality was achieved through the unrelenting list of crimes that served to accentuate the social decay prevalent in society as a consequence of Sweden’s ‘open’ borders. The provision of graphic detail in describing a series of events, such as the Husby riots – otherwise known as concretization (Van Dijk 2006) – is a technique used by the Sweden Democrats to construct asylum seekers as an existential threat. MP Richard Jomshof utilized negative concretization when he described asylum seekers’ as orchestrators of a riot in the Swedish municipality of Tensta:

On 28 June 2012 there was a riot with hundreds involved in Tensta north of Stockholm.

It started shortly after midnight when a guard was attacked by five or six masked people with knives. It turned out to be a trap to lure police who were subjected to stone throwing when they arrived on the scene. Three police cars were smashed. Stephan Nordenmark from the Stockholm police chose to describe the event as follows: “We were there with 18 patrols, it was pure guerrilla warfare.” The situation was completely beyond the authorities’ control, and not a single perpetrator was arrested (Sveriges Riksdag 2013c: 9).

Securitization speech acts of the Sweden Democrats demarcated Muslims and Islam as fundamental threats to “our democratic, equal and secular communities”. The Sweden Democrats argued that Islam,

wants to control everything. This is in contrast to Christianity, which for the most part separates the worldly and the spiritual. Islamic law, sharia, cannot be abridged to the laws of Western European countries because the Quran is the only law a Muslim should follow… Islam is not compatible with freedom, equality or democracy. Should I compare Islam with anything it would be with other totalitarian ideologies like Nazism and Communism (Sveriges Riksdag 2013a: 183).

In the lead up to the 2014 general election, various groups of Swedish citizens were vocal in offline chatrooms, where anti-Islam rhetoric was conflated entirely with anti-asylum rhetoric (Hirvonen 2013: 80). Islam-hostile webpages have grown over the last ten years, and
nationalist extremism is increasingly being developed on the Internet, where representations are uncensored, unlike the official Swedish media. The largest Islam-hostile news site is *Avpixlat*, which means non-pixellated and refers to the way the Swedish media protects the identity of crime suspects by digitally blurring an image. The site has the express purpose of fighting to ensure that the images of crime suspects are clear for all to see, thereby revealing, so it argues, the colour of criminality (Hirvonen 2013: 81). Below is a collage of statements by commenters on *Avpixlat* and serves as an example of the techniques of predication used to denigrate and criminalize asylum seekers:

‘Islamization’ and ‘parallel societies’ comprising Swedish-born children who are not fluent in Swedish, ‘gang crime’, young Muslims are drawn to violent Islamism, riots and car burnings, residential areas where ambulances do not dare enter without police escort, daily shootings, oppression and honor crimes, genital mutilation - none of this is discussed in televised election debates, not even by the Sweden Democrats (*Avpixlat* 2014).

These ‘echo chambers’ reflected the discursive mechanisms involved in the reproduction of racism over the course of the 2014 general election. The criminalizing, negative characteristics assigned to ethnic groups of refugees and asylum seekers were more acceptably topicalized by the Sweden Democrats for their use in the construction of asylum seekers as threats to the *demos*. The Sweden Democrats’ defensive stance legitimised resentment and resistance against the alleged cultural and societal threats posed by Muslim asylum seekers; theirs was a defence of the ‘rights’ of the Swedish in-group.

Kanwal Ahmed (2015: 36) contends that perceptions of refugees and asylum seekers as a cultural threat had risen from 2010 to 2014, fuelling the success of the Sweden Democrats. Ahmed (2015: 34) demonstrates that the doubling of support for Sweden Democrats’ from with 5.7% in 2010 to approximately 13% support in 2014 election coincided with a period of high unemployment in Sweden. This indicated that insecurity from the economic downturn
and a surge in unemployment prompted increased trust in the Sweden Democrats to restore a sense of stability to the *demos*.

Voter support for the Sweden Democrats in 2014 was largely concentrated in the southern and central regions of Sweden. While the Sweden Democrats received the highest support from Örkelljunga, a municipality in Skåne County of southern Sweden (23.9% votes), the lowest number of votes received was from Dorotea in northern Sweden (0.7% votes). Similarly, the Stockholm municipality demonstrated only marginal support for the Sweden Democrats with 5.2% of votes (Valmyndigheten 2014). The largest increase in votes (+18%) came from the Ljusnarsberg municipality of Örebro County in central Sweden. Compressed wage structures and class-egalitarianism in Sweden has made it less likely that voters of the Sweden Democrats are linked to either blue-collar or white-collar job segments (Müller et al. 2014). Rather, the choice to vote for the Sweden Democrats in these municipalities has been linked to unemployment rates that are above the national average (Hjerm 2009; OECD 2014). Between 2012-2014, municipalities across southern and central Sweden recorded the highest unemployment levels in Sweden, which were above 9% (OECD 2014; Åslund 2014). Mikael Hjerm (2009) argues that stronger anti-asylum attitudes, including xenophobia, are prevalent in municipalities where unemployment is high and the proportion of foreign-born people is large. Voters respond to the Sweden Democrat’s construction of asylum seekers as a threat when the competition over scarce resources is more salient. The proportion of asylum seekers in a community elicits negative consequences once the level of unemployment reaches approximately 9%, and becomes more acute when unemployment levels reach 15% or more (Hjerm 2009: 58). Xenophobia and support for the Sweden Democrats’ anti-asylum policies are more prevalent in municipalities where refugees and asylum seekers are seen to be competing with scarce resources, and are easily portrayed as scapegoats (Hjerm 2009).
5. The Refugee Crisis in Sweden in 2015

Sweden has been bearing a disproportionate burden of the European refugee crisis, due in part to its pledge in 2013 to provide permanent residency to almost any Syrian who reached Swedish soil. Of the roughly 800,000 people who arrived in Europe by sea in 2013, at least one in seven have ended up in Sweden, even though the country accounts for just one in 50 EU citizens. By the end of 2015, more than 170,000 people had applied for asylum in Sweden, with 10,000 people arriving every week, compared with 4000 during the summer. Whereas Refugee Status Determination (RSD) officers from the Swedish Migration Board were previously able to reach a decision on an asylum application within two or three months in recent years, current estimates for RSD processing times are two years on average.

Sweden’s intake of almost 200,000 asylum seekers in 2015 has led to a growing trend of attacks on forced migrants. A string of at least 43 arson attacks on refugee centres since August 2015 reflects those carried out in 1992, when 52 attacks were carried out against centres housing refugees from the Balkans war (The Local 2015a). These acts of horror have instilled fear among refugees and a degree of shame among most Swedes. Other refugee centres have had stones thrown at them, while others yet have been vandalized. In November 2015, a cross two metres in height was raised and set ablaze outside a refugees’ centre in the town of Malung, in the tradition of the Ku Klux Klan, the white supremacist movement of the United States. In response to the attacks, Prime Minister Stefan Löfven promised “just punishment for the cowards” whose actions, he said, have tarnished Swedes’ sense of “national pride” (The Local 2015b). For the most part, the attacks have taken place in rural areas in the southern third of the country, the political stronghold of the far-right Sweden Democrats. The Swedish government has remained hostile to the Sweden Democrats, and continues to allocate in-group stigma towards them as opposed to the out-group of asylum seekers. This has continued in spite of the recent shift in asylum policy that has occurred since December 2015, when the Swedish government proposed more restrictive policies.
owing to the inability of the Swedish system to cope with the large numbers of asylum seekers.

Efforts in Response to the Refugee Crisis

On 24 November 2015, the Swedish government introduced temporary, restrictive policies to reduce the number of new asylum seekers arriving in Sweden. The Red-Green government, the Moderate Party, the Centre Party, the Liberal Party and the Christian Democrats agreed on the necessary efforts to create a respite for Swedish refugee reception to “reinforce capacity in Sweden’s reception of asylum seekers”, and to strengthen efforts to facilitate the introduction and integration of new arrivals (Regeringskansliet 2015c). The measures were described as temporary adjustments designed to dramatically reduce the number of asylum seekers both seeking asylum in Sweden, and being granted a residence permit in the country. At the time, the main focus was to adjust Swedish asylum regulations to the minimum level in the EU, in order to encourage asylum seekers to lodge protection claims in other EU countries.

Although the Sweden Democrats were excluded from consultations on the new measures, their popularity has grown congruently with the attempts by major parties to restrict the inflow of asylum seekers. In justifying the implementation of these measures, however, the Swedish government did not frame asylum seekers as a threat to national security. Rather, Prime Minister Stefan Löfven criticized and shamed the EU for failing to agree to share the responsibility for asylum seekers evenly. The Greens’ Deputy Prime Minister, Åsa Romson, cried whilst delivering the repeal of Sweden’s open-door policy with Prime Minister Stefan Löfven, where he stated,

We are adapting Swedish legislation temporarily so that more people choose to seek asylum in other countries... We need respite... It pains me that Sweden is no longer capable of receiving asylum seekers at the high level we do today. We simply cannot do any more (quoted by Crouch 2015).
As Professor Jonas Hinnfors from Göteborg University observed, the government’s reversal in asylum policy was a reluctant decision, “more about practicalities than a new world view” (Crouch 2015). Although the Swedish government continues to advocate both domestic and regional solidarity and human rights norms in relation to asylum seekers, it has justified more restrictive policy measures based on overstretched resources, which have rendered the relevant migration agencies and government bodies unable to cope with continued flows of asylum seekers in a sustainable way.

Table 7.3 Allocation of stigma amongst norm circles of the political elite in parliament in the refugee crisis of 2015.

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<thead>
<tr>
<th>Hegemonic Norm Circle (HNC)</th>
<th>NCR</th>
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<td></td>
<td>Red-Green Bloc</td>
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<td>Left</td>
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<tr>
<td>(1) In-Group Stigma (Transformative)</td>
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<td>(2) In-Group Stigma (Preservative)</td>
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<tr>
<td>(3) Out-Group Stigma</td>
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5.1 The HNC and In-Group Stigma (*Preservative*)

The Swedish government has imposed more restrictive policies on asylum to manage the current acute domestic situation, while it strongly advocates shared regional responsibility for refugee reception within the EU. To this end, the Swedish government has urged that the Dublin Regulation be revised and replaced by a new, permanent relocation scheme in the EU (Regeringskansliet 2015d). While speaking at World Economic Forum in Switzerland in January 2016, Swedish Prime Minister Stefan Löfven condemned fellow EU member states for failing to shoulder their responsibilities, thereby perpetuating Sweden’s “unsustainable” situation (Sirota 2016). He argued,
We need to improve the European refugee policy toward the system that shares the responsibility for receiving refugees more evenly throughout Europe (quoted by Sirota 2016).

It is critical to note that the restrictive measures introduced in the fall of 2015 have not been justified by securitization speech acts. Rather, the Swedish government and members of the HNC have continued to wield in-group stigma *preservatively*, criticizing the Sweden Democrats for exacerbating societal segregation with their xenophobic, anti-immigration discourses. On 21 December 2015, the Act on Special Measures in the Event of Serious Danger to Public Order or Domestic Security came into force in Sweden. On the same day, the Government also adopted an Ordinance containing specific provisions on ID checks for certain kinds of travel to Sweden from Denmark. The Ordinance entered into force on 4 January 2016 (Regeringskansliet 2015e). The Act gives the Government the opportunity, in the event of serious danger to public order or domestic security in the country, to introduce ID checks for travel by bus, train or passenger ship to Sweden from abroad in order to maintain law and order or to protect national security. The temporary Act entered into force on 21 December 2015 and will apply for three years, i.e. until 21 December 2018. Within this period of time, provisions on ID checks pursuant to the Act may apply for six months at a time, with a waiting period of two weeks between each time (Regeringskansliet 2015e).

The temporary measures were designed to enforce EU refugee policy, which stipulates that asylum seekers should seek asylum in the first safe country where they arrive. In a similar vein, pressure to conform to EU regulations, despite a country’s strong advocacy of international law, humanitarianism and shared responsibility was felt in Germany during the refugee crisis of 2015. In August 2015, German Chancellor Angela Merkel temporarily suspended the Dublin Regulation to relieve pressure on countries of first asylum including Hungary and Greece. The suspension of the Dublin Regulation, which allowed Germany to voluntarily assume responsibility for processing Syrian asylum applications, was repealed in October 2015 in the wake of an overwhelming and continued influx of asylum seekers.
By December 2016, Germany had received close to 1.3 million asylum applications (Eurostat 2016). German Minister of Finance, Wolfgang Schäuble, warned that the country could not continue to host an unlimited number of asylum seekers:

> We need to send a clear message to the world: We are very much prepared to help, we’ve shown that we are, but our possibilities are also limited (quoted by Jenkins 2015).

Similarly, the Swedish government continues to advocate international solidarity towards asylum seekers, albeit with the temporary imposition of measures to cope with a large influx of asylum seekers. The new measures do not correspond to acts of securitization because the Swedish government neither constructed asylum seekers as an existential threat to Swedish national security, nor used such constructions to justify the implementation of extraordinary measures under the auspices of emergency politics.

The provisions of the Ordinance adopted by the Swedish government do not prevent a person in the country from seeking asylum in Sweden, and accordingly, does not contravene the right of asylum. In the debate on the Special Measures Act held on 17 December 2015, Helene Petersson of the Social Democratic Party heralded the government’s preservation of humanitarian norms, despite the temporary restrictiveness imposed by some of the new regulations:

> We want solidarity. The government and the entire Social Democratic Party stands for solidarity. But we must also be able to have orderliness. We want a safe and secure way to take care of the people who come, and that is why the government is now requesting this authorization (Sveriges Riksdag 2015a: 19).

This sentiment of preserving norms of international law in the treatment of asylum seekers was echoed by the Minister for Justice and Immigration, Morgan Johansson, of the Social Democratic Party. In his address to the Riksdag, he criticized the Sweden Democrats for aggravating ethnic tensions that threatened the fabric of Swedish society in the fall of 2015:
The Sweden Democrats have played a very ugly role this autumn. In the situation when we were struggling to obtain asylum lodging, many asylum seekers suffered in the fires, which are suspected arson attacks. What did the Sweden Democrats do in this situation? Well, you disclosed the addresses of asylum accommodation online (Sveriges Riksdag 2015a: 51).

Johansson differentiated his government’s policies from those of the Sweden Democrats, by arguing that the Swedish government was restricting the inflow of asylum seekers as part of its advocacy of shared responsibility for asylum in the EU as a region:

The Sweden Democrats ethos is that Sweden should just consist of people you [Kent Ekeroth] regard as Swedish and who are defined as Swedish. As for the rest, you do not want to accommodate them... It is your ethos. Kent Ekeroth tried to get away by saying that *some* may be able to get in. But when we have a situation of 60 million people on the run, all countries must be prepared to take responsibility. Sweden will take a great responsibility. All other EU countries should also be prepared to take responsibility (Sveriges Riksdag 2015a: 51).

In his condemnation of the Sweden Democrats’ disregard for responsibility-sharing, Johansson challenged the ethnic nationalism underlying the Sweden Democrats’ asylum policy. By denouncing ethno-cultural definitions of who should or shouldn’t belong to the Swedish *demos*, he reinforced the norms of egalitarianism, humanitarianism and solidarity endorsed by parties of the Red-Green bloc and Centre-Right Alliance.

The HNC has targeted the Sweden Democrats for perpetuating xenophobia (more specifically, Islamophobia) in a highly volatile social climate, thereby sabotaging social cohesion. They continue to be stigmatized for their advocacy of an ethnic conceptualization of national identity and anti-immigration policies in the Riksdag. In the wake of the series of arson attacks on refugee centres, the Greens Party initiated a parliamentary debate on racism and hate crimes initiated on 27 November 2015. Members of the HNC, such as MP Johan Hedin of the Centre Party, condemned and stigmatized the Sweden Democrats for engaging
in what he termed ‘racism by proxy’, whereby criminality and deviance acts as a proxy for race. Similarly, the Sweden Democrats’ recent proposals to screen and register all Muslims have been fiercely attacked by the HNC in parliament. MP Johan Hedin of the Centre Party rebuked the Sweden Democrats for mobilizing fear and suspicion of Muslim asylum seekers from African and Middle Eastern stated,

Jimmie Åkesson’s article in Aftonbladet, claiming that Muslims are our biggest foreign threat since World War II, and other leading SD politicians’ comments about how Muslims should be checked, that new laws should be created and that violence and murder are deeply rooted in Islamic culture…. the notion of having all Muslims screened based on their propensity to want to engage in terrorism and other opinions is Islamophobic and racist. I would like to pick up the American expression for this type of racism: racism by proxy… This development is something we all should be concerned about. Where divisions between ‘us’ and ‘them’ endure and where politicians fan the flames of discord and suspicion, hate crimes increase (Sveriges Riksdag 2015b: 76).

Other members of the HNC, such as MP Christina Larsen of the Left Party, stigmatized the Sweden Democrats for their targeted attacks on Muslims, arguing that they were fuelling the agenda of jihadists to commit further atrocities:

The extreme right is more than happy to give jihadists exactly what they want, that is, increased hatred against Muslims and calls for action that will punish and discredit Muslims as a group. Jimmie Akesson’s recent initiative on enforcing the registration of Muslims in Sweden is a clear example of just such a reaction that jihadists hoping for. In the vacuum of fear that terrorism creates, fascists find fertile ground to perpetuate hatred for each other (Sveriges Riksdag 2015b: 68).

The HNC remains active in stigmatizing the in-group, the Sweden Democrats, for their inflammatory rhetoric towards the securitization of Muslim refugees in Sweden. The refugee crisis has been framed as a practical concern, which is not based on the demonization of
asylum seekers as the threatening ‘Other’. Unlike the securitization rhetoric of the Australian government in the 2013 federal election, where it was declared that no asylum seeker who arrives by boat will ever be settled in Australia – reflecting a complete rejection of Article 14 of the Refugee Convention on the right to asylum – a strong emphasis on humanitarianism has been maintained in Sweden. The public discourse of the HNC on asylum remains humanitarian and compassionate as evident in parliamentary debates on the Special Measures Act.

5.2 The NCR and In-group Stigma (Transformative)

Sweden has a population of less than 10 million, but received close to 190,000 refugees in 2015 – surpassing the previous record of 100,000 in 2014 and three times the number predicted by the centre-left government. The Sweden Democrats have pitched themselves as the lone political voice in the Swedish parliament arguing that the high number of arrivals is unsustainable. Sweden has taken more refugees per capita than any other European country and was the continent’s first country to offer permanent citizenship to refugees from Syria. The Sweden Democrats have condemned the HNC for being dismissive of the average Swede and his/her anxieties over the vast influx of asylum seekers. Their stigmatization of the HNC is based on what the party perceives to be displaced priorities – housing shortages and high unemployment demand that Swedish needs be prioritized over external, humanitarian needs. In a parliamentary debate on 13 January 2015, party leader Jimmie Åkesson argued that Prime Minister Stefan Löfven’s nonchalant attitude towards the pressures placed on the Swedish asylum system was unacceptable:

[Stefan Löfven] shows a complete disregard for reality and no understanding how things actually are in the community. [His statements] show a total lack of understanding of how anxious people are and how people are affected by this failure. This applies both to native Swedes and earlier migrants to our country. It has become obvious to everyone
that our system needs relief in the form of much smaller scale immigration (Sveriges Riksdag 2015c: 21).

The party continues to thrive on this platform. In the lead up to the 2018 general election, the Sweden Democrats have grown in popularity in the polls. On average, between December 2016 and March 2017, the Novus poll found the Sweden Democrats had secured the support of 18% of the electorate, compared to 10.4% in September 2014 (Novus 2014; Novus 2016; Novus 2017a; Novus 2017b). Although the Swedish government has taken the exceptional step of introducing border checks, the Sweden Democrats demand yet harsher legislation. Refugees arriving at the Swedish border would still be able to claim asylum, but anyone without identification documents would be prevented from travelling to other Scandinavian countries. The Sweden Democrats’ position is that no one who arrives ‘illegally’ in Sweden should be permitted to stay, including asylum seekers.

5.3 Out-group Stigma

During the refugee crisis of 2015, the Sweden Democrats intensified their stigmatization of Muslim male refugees and asylum seekers from Arab states. Representations of the societal out-group as threatening sexual predators have foregrounded broader representations of the Muslim culture as incompatible with Swedish norms, values and attitudes. In a parliamentary debate on 13 January 2016, Sweden Democrats’ leader Jimmie Åkesson attributed the criminal deviance of male asylum seekers from Arab states to their unassimilable culture:

These are groups of foreign men [who] cannot be seen as integrated into Swedish society… culture plays a crucial role. Norms, values and attitudes play a role. They are also causes for certain forms of [undesirable] behaviour (Sveriges Riksdag 2015c: 23).

But the Sweden Democrats’ argument is not just with the government’s refugee policy; it is the alleged cultural imperialism imposed by Muslim migrants, which the party believes is the greatest threat facing Sweden. According to the party’s website, “[f]oreign phenomena may well be part of the Swedish culture if it happens naturally, voluntarily, organically and
gradually.” However, “[c]ultural impulses that do not adapt to Swedish conditions, and which are implanted in Swedish society by groups who do not consider themselves Swedish, cannot be considered to be a part of the Swedish culture; rather, they represent a form of cultural imperialism” (Sverigedemokraterna 2015). For the Sweden Democrats, the liberal asylum policies of the HNC have facilitated the penetration of cultural imperialists, with degenerative consequences for cultural values such as hard-won gender equality in Sweden. As Jimmie Åkesson argued,

[Sweden has] come a long way in terms of gender equality and our view of the relationship between men and women. Gender equality and equal treatment are fundamental in our country. If immigrants in Sweden are not prepared to respect such a fundamental part of our society, and choose to behave according to their own [ unacceptable] cultural norms, then [they] have no business in our country at all (Sveriges Riksdag 2015c: 21).

In November 2015, members of the Sweden Democrats distributed anti-refugee leaflets on the Greek island of Lesbos among 20 locations along Europe’s external border. The leaflet was captioned, “No money, no jobs, no homes”, and warned that Sweden's society was “falling apart” with deteriorating infrastructure and resources. The leaflet attempted to deter Muslim arrivals of asylum seekers with Islamophobic rhetoric: “forced marriages and polygamy will never be accepted… Halal slaughter, wearing *niqab* or *burqa* in public places will be forbidden in our country.” With the mobilization of such xenophobic discourse both within and outside of Sweden, the party continues to draw on cultural ‘otherness’ as the basis for the securitization of asylum in Sweden.

### 6. Conclusion

In this chapter, I have argued that securitization speech acts generated by the far-right anti-immigration party, the Sweden Democrats (SD), have not been successful in the Riksdag,
because established parties that comprise the audience of the securitizing speech act are entirely members of a hegemonic norm circle (HNC) that have endorsed and enforced norms of international law, human rights, equality and egalitarianism. As constituents of the parliamentary audience, these established parties have worked to systematically erode the positional power of securitizing actors (the Sweden Democrats) through the use of in-group stigma. Since December 2015, however, things have changed rather dramatically for the Swedish government. Owing to the huge influx of asylum seekers who have arrived in Sweden, and the disproportionate share of asylum seekers that Sweden has taken per capita (the highest in the EU and among western states), the Swedish government has been compelled to adopt stricter policies to reduce the number of arrivals, including the introduction of temporary residence permits, restricted rights to family member immigration, tougher maintenance requirements for family member immigration and the withdrawal of residence permits to asylum seekers who fall into the category of “persons otherwise in need of protection” (Regeringskansliet 2016b). In so doing, they hope to increase pressure on other EU states to accommodate a greater number of asylum seekers. Yet, the Sweden Democrats, as members of the NCR, continue to be stigmatized and condemned for the threat their xenophobia poses to fragile communities of refugees within overstretched municipalities. Although the HNC has attempted to reduce the inflow of asylum seekers to Sweden, the prevalence of hegemonic norms on international law, solidarity, human rights and humanitarianism has meant that asylum seekers remain protected from stigma.

Through the course of asylum policy changes in Sweden since the refugee crisis of 2015, the use of Schmittian constructions of asylum seekers as the enemy ‘Other’ has formed the basis for securitization speech acts by the Sweden Democrats. Yet Schmittian dichotomies remain the object of stigmatization by the HNC. In particular, parliamentarians of the HNC have targeted the Sweden Democrats’ inflammatory rhetoric that constructs the Muslim asylum seeker as an existential threat to Swedish society, arguing that such discourse is intolerably racist. Members of the HNC have justified new restrictions by arguing that Sweden has
reached its capacity limits in managing the large influx of asylum seekers, and that pragmatic measures are necessary to reduce numbers and enforce responsibility sharing amongst EU states.
Conclusion

This thesis has answered the question: why has asylum seeker policy been constructed politically as a response to a purported national security threat in Australia, but not so in Sweden, which proportionately has a much higher rate of asylum applications, and which is more accessible geographically than Australia? In other words, why has the securitization of asylum been unsuccessful in Sweden and yet highly successful in Australia? The question is significant because it addresses critical gaps in literature on securitization theory and, in particular, the securitization of asylum. While substantial literature has been devoted to the event of securitization – whether or not it has occurred, where, when, by whom and even how it has occurred – the question of why the securitization of asylum occurs in some states and not in others facing similar or even greater pressures requires a comparative study. I chose to examine the national asylum policy and practice of Australia and Sweden because these countries have been among the most important destinations for asylum seekers in their regions, and because of the fundamental paradox: the less burdened country has engaged in securitization, while the country with the far greater burden has resisted securitization. The country receiving proportionately the most asylum applications, Sweden, has avoided securitization, in contrast to Australia, which suggests that securitization is far from an automatic or simple response to receiving large numbers of asylum seekers.

In the thesis, I have shown that a state’s compliance with asylum obligations under international law depends on the nature of the political system, and the degree of endorsement and enforcement of norms of international law in the policies of hegemonic
parties in parliament. These norms of international law include, but are not limited to, the *jus cogens* norms of *non-refoulement* and the prohibition of torture. Where hegemonic norms based on the exclusion of asylum seekers are endorsed by dominant securitizing actors and members of the parliamentary audience, securitization is successful. In Chapter 1, I established the theoretical framework and key concepts of securitization, focusing on norm circles and configurations of power in parliament. I also identified various types of in-group and out-group stigma that constitute the causal power of norm circles, linking stigma to the agency of the audience of a securitizing speech act. Here, I outlined the criticality of the relationship between the actor and audience within the illocutionary event of securitization.

Chapter 2 presented the basis for comparing Sweden and Australia. Although both countries are signatories to the 1951 Refugee Convention and the 1967 Protocol, and faced similar pressures towards more restrictive asylum policies in the early 1990s, each country has emerged with very different asylum agendas. I established that the most causally significant variables for comparison are the hegemonic norms among the political elite, the dominant conceptualizations of national identity, and the nature of their political systems. I established that Sweden and Australia have different political systems that account for the different outcomes on asylum policy, as well as different hegemonic norms on asylum policy in national political culture, which are reinforced by dominant ethnic and civic conceptualizations of national identity in Australia and Sweden respectively. The portrayal of asylum seekers as existential threats is achieved in the Australian parliament through the treatment of asylum seekers as *de facto* criminals deserving of punishment. Here, the hegemonic norm circle (HNC) enforces and endorses norms of exclusion that violate the *jus cogens* norms of *non-refoulement* and the prohibition of torture under international law, as well as other norms of international law including human rights law. Such exclusionary norms are an extension of ethnic conceptualizations of Australian national identity that are exclusionary in nature. Conversely, the portrayal of asylum seekers as existential threats in the Swedish parliament meets with far less credence, because the Sweden Democrats who
comprise the transformative norm circle of resistance (NCR) are ostracized by other parties. In Sweden, non-securitizing actors and audience members who enforce and endorse norms of international law, including the *jus cogens* norms of *non-refoulement* and the prohibition of torture, occupy the hegemonic positions of power in the Riksdag. Such norms are an extension of civic conceptualizations of Swedish national identity that are inclusive in nature.

In Chapter 3, I outlined the different regional frameworks in the European Union and in Southeast Asia that regulate member states’ cooperation on refugee and asylum issues. While the presence of the ECtHR and the activity of treaty-monitoring bodies regulate the protection of asylum seekers in Europe, the lack of a regional court of human rights in Southeast Asia able to enforce states’ compliance with the *jus cogens* norms of *non-refoulement* and the prohibition of torture under international law elicits dire consequences for asylum seekers there. The Australian government has taken advantage of its dominant positional power in Southeast Asia to advance its policies of deterrence and securitization in the region. Australia’s bilateral arrangements with states in the region are largely burden-shifting in nature, rather than burden-sharing. In the European Union, multilateral arrangements on asylum policy have proved useful, at least before the refugee crisis of 2015-16, in establishing minimum standards for the protection of asylum seekers in the region. However, member states’ adoption of exclusionary national asylum policies remains prevalent as governments craft asylum policy based on their different resources, national security concerns, and histories with forced migration movements.

I argue that successful securitization in Australia is based on a stable relationship between a securitizing actor of the hegemonic norm circle and the audience of the hegemonic norm circle, based on their mutual endorsement and enforcement of shared exclusionary norms, which are reinforced by ethnic conceptualizations of national identity. In Chapter 4, I showed that successive Australian governments, whether Labor or Coalition, have privileged ethnic national identities and mobilized xenophobic sentiments towards asylum seekers in
order to legitimize the securitization of asylum. Ethnic national identity, mobilized through populist discourse, contributes to the attainment of hegemonic exclusionary norms that disregard norms of international law. The nature of the political system is a factor that enables dominant norms to acquire hegemonic status amongst Australia’s political elite. In Australia’s majoritarian electoral system, parliamentary power is concentrated in the hands of the majority party in the lower house. Further, Australia’s compulsory preferential voting system means a small number of marginal electorates can essentially determine the outcome of the election. This has led major parties to advocate securitized asylum policies that appeal to conservative voters in marginal seats in order to secure parliamentary majorities during federal elections.

I argue that strong bipartisanship is a consequence of Australia’s two-party system, and of the role of wedge politics, with proportional representation only in the upper house. This means that once an exclusionary asylum policy has been established, then a broad consensus is required for major change on asylum policy. Shifting from exclusionary to inclusive asylum policies would necessitate revolutionizing the hegemonic norm circle by subverting the exclusionary norms endorsed and enforced by a power-elite who are committed to the reproduction of securitization. In Australia, wedge politics on asylum has been used to isolate opposition parties and coerce political opponents into bipartisan consensus on a harsh, exclusionary asylum policy. Australia’s two-party system makes governing parties particularly vulnerable to wedge politics driven by opposition parties, who seek to exploit populist issues for political advantage. Unlike Sweden, the tactics of wedge politics are deliberately deployed by both major parties in Australia to undermine the support base of key political opponents in order to gain positional power and control the political agenda on asylum issues. In the Australian parliament, power is concentrated in the executive, and hegemonic norms that are exclusionary towards asylum seekers and hostile to international refugee law and human rights law, dominate. These factors combine to create conditions that produce successful securitization speech acts in the Australian parliament.
In Chapter 5, the concept of policy ambivalence in the Australian parliament was explored in relation to the Labor Party and its influence on the securitization of asylum in the 2010 and 2013 federal elections. The contradiction facing the Labor Party may be understood as follows: Australia’s political elite has historically reproduced exclusionary policies and security discourses based on conceptualizations of ethnic national identity, leading to the stigmatization of asylum seekers as the societal out-group, as well as any member of the in-group that challenges the hegemonic exclusionary norms on asylum policy. While the Labor Party initially played a role in advocating for norms of international law, it fell prey to the in-group stigmatization exerted by the Liberal-National Coalition through the HNC, which wielded stigma *preservatively*. Labor Party MPs were unable to circumvent the securitization speech acts of actors belonging to the hegemonic norm circle, and instead succumbed to them. On the political landscape, a successful securitization move reinforces the stability of the hegemonic norm circle, whose members (key securitizing actors and audience) share an intersubjective agreement to endorse and enforce exclusionary norms as a consequence of belonging to the norm circle. As the case study of Australia demonstrates, the Australian Labor Party, as an ambivalent part of the norm circle of resistance (NCR), simultaneously attempted de-securitization whilst enforcing and endorsing some hegemonic norms of the HNC. Although de-securitization was attempted by the Rudd Labor government in 2007-2009, the Labor Party remained highly vulnerable to the normative pressures of the HNC, exercised in the form of in-group stigma. As the 2010 federal election drew near, the Gillard Labor government succumbed to political pressures to abandon the NCR, and re-securitized the issue of asylum. In so doing, Gillard conformed to the exclusionary norms endorsed by dominant securitizing actors of the Liberal-National Coalition in the HNC, and the relationships between members of the Labor Party and members of the Liberal-National Coalition were reinforced and the HNC acquired greater stability.

Chapter 5 demonstrated the struggles of the norm circle of resistance (NCR) in relation to the hegemonic norm circle (HNC) in the Australian parliament. The Labor Party’s policy
ambivalence was experienced chiefly through its joint enforcement and endorsement of both securitization/exclusionary norms as well as humanitarian norms of international law. In the 2013 federal election, the party decisively resolved its dilemma by shifting to the HNC and leaving the NCR. This made it impossible for the latter norm group to elicit the emancipatory transformation of deeply entrenched norms of securitization. Gillard acted as if it were impossible to challenge the dog-whistle approach to securitization initiated by the Howard Liberal-National Coalition government. Throughout Labor’s politically ambivalent leadership, the ethnic nationalism underlying the securitization of asylum was never challenged by the Rudd or Gillard Labor governments. This is a key difference to Sweden, where the legitimacy of exclusionary rhetoric used by Sweden Democrats was repeatedly challenged. Even though Gillard did not explicitly use racist rhetoric, her discourse and policies had the same political effect of securitization as Howard’s rhetoric, because of the nature of the majoritarian political system and the role of wedge politics. By the time the 2013 federal election took place, the Labor Party had begun a race-to-the-bottom with the Liberal-National Coalition, competing on hardline policies on asylum. The securitization of asylum was effortless under these circumstances. The case study of Australia shows that successful securitization is determined by the influence of dominant securitizing actors of the HNC. Labor’s re-securitization of asylum in 2010, due to the pressures exerted by the Liberal-National Coalition through the preservative use of in-group stigma, suggests that the dominant securitizing actors were members of the Liberal-National Coalition, and not the Labor parliamentarians.

The Swedish government and mainstream parties of the Centre-Right Alliance and the Red-Green bloc have consistently crafted official asylum policy in line with the *jus cogens* norms of international law. Even during the refugee crisis of 2015, Sweden demonstrated solidarity with refugees and asylum seekers, calling on EU member states to shoulder their responsibility for managing the asylum influx. At the end of 2015, the Government announced that Swedish legislation needed to be amended for a limited period, which would
involve the introduction of a temporary residence permit, limits to the right to family reunification and tightening asylum visa maintenance requirements. In April 2016, the Swedish Government decided on a bill proposing that Swedish asylum regulations be temporarily brought into line with the minimum level in EU law and international conventions for a period of 3 years. Although the Swedish government has temporarily shifted towards more restrictive policies since November 2015, official asylum policy and discourse in Sweden continues to endorse and enforce norms of international law, including human rights law, and to express solidarity with asylum seekers.

In Chapter 6, I argue that unsuccessful securitization in Sweden is due to the presence of an unstable relationship between securitizing actors of the norm circle of resistance and the audience of the hegemonic norm circle, based on the HNC’s rejection of exclusionary norms, which are reinforced by from ethnic conceptualizations of national identity. Successive Swedish governments, whether Social Democratic or the Moderate-Alliance Coalition, have privileged civic national identities that are compatible with norms of international law and human rights law. A civic national identity in Sweden has contributed to the hegemonic status of inclusive norms that uphold norms of human rights, solidarity and international law in the Swedish Riksdag. Another condition that thwarts securitization attempts in the Riksdag is the nature of the Swedish political system. Proportional representation within a unicameral Swedish legislature and a multi-party system built upon consensus politics implies that major political parties are often forced to form coalitions with minor parties and concede to their liberal inclinations. Shifting from inclusive hegemonic social democratic norms on asylum policy, including solidarity, equality and humanitarianism, to exclusionary policies would involve subverting the inclusive norms of international law that have acquired hegemonic status in Swedish political culture. Political possibilities for major change towards the securitization of asylum are limited by the strength of the unicameral, multi-party parliamentary system that privileges consensus on hegemonic norms of solidarity, equality and human rights on asylum policy. Indeed, social democracy in Sweden is no
longer a partisan ideology, but rather a set of shared, hegemonic norms that have become an integral part of national political culture. Sweden’s consensus-based political system is characterized by the limiting of power as opposed to the concentration of power in the executive, with power distributed across multi-party coalitions. These factors combine to create conditions that elicit unsuccessful securitization speech acts in the Swedish Riksdag.

The purpose of Chapter 7 was to demonstrate how in-group stigma has been used to reject securitization speech acts in the Swedish Riksdag. I argue that securitization speech acts generated by the far-right anti-immigration party, the Sweden Democrats, have not been successful in the Riksdag, because established parties that comprise the immediate audience of the securitizing speech act are members of the HNC who endorse and enforce norms of international law, human rights, equality and egalitarianism. As constituents of the parliamentary audience, these established parties erode the positional power of securitizing actors (the Sweden Democrats) through the use of in-group stigma. Parliamentary debates before, during and after the elections were analysed to demonstrate how border protection and the securitization of asylum represent a symbolic political issue. The Sweden Democrats have used asylum seekers as valued currency to gain political power. The Moderate-Alliance government’s refusal to stem the flow of asylum seekers to Sweden – deemed, a threat to national security by the Sweden Democrats – became a rallying cry for the Sweden Democrats across the 2010 and 2014 elections.

During the Swedish general elections of 2010 and 2014, the transformative use of in-group stigma and out-group stigma by the Sweden Democrats challenged the positional power of non-securitizing actors. Out-group stigma has been used by the Sweden Democrats to construct the threat text of asylum seekers as the ‘enemy within’. For the Sweden Democrats, the attempted acquisition of positional power was based on a combination of Islamophobia as well as anti-establishment sentiment. Through the use of out-group stigma, the far right-wing party has demonstrated cunning and skill in constructing the asylum seeker
as an existential threat to the *demos*, one that requires the legitimization of urgent and extraordinary asylum policies.

Yet the Sweden Democrats, ostracised by members of the HNC in the Riksdag, have not been successful in securitizing the issue of asylum because members of the HNC do not endorse the exclusionary norms underlying their policies. An unstable actor-audience relationship based on dissimilar norms being endorsed and enforced by the actor and the audience has also influenced asylum policy in Australia. In the Australia, the unstable relationship between securitizing actors of the NCR and audience of the HNC has undermined attempts at de-securitization. This was demonstrated by the Rudd government in Australia, where a de-securitizing actor advocated inclusionary norms based on international law, but was impeded by members of the hegemonic audience who endorsed and enforced exclusionary norms. The impact of unstable relationships on securitization attempts was also evident in the case of the Swedish Social Democratic Party’s attempts, in the early 1990s, to shift towards more restrictive policies. These were unsuccessful because the parliamentary majority endorsed and enforced inclusive norms. Thus, any attempt by members of political parties and their securitizing actors to actualize securitization will not succeed if audience members of the HNC endorse and enforce norms of international law. The Sweden Democrats have failed to securitize asylum policy in Sweden, because the exclusionary norms they advocate are rejected by the hegemonic audience of the Riksdag.

Securitization theory has long been criticized for (1) its under-theorization of the audience, as well as (2) the inability of the linguistic model advanced by the Copenhagen School to account for the politics of securitization as a sociological process (Salter 2008, 2010; Balzacq 2005, 2008; Stritzel 2007; McDonald 2008). The sociological model has been positioned as at odds with the linguistic model, for which the linearity of a ‘moment’ consisting of securitizing actor, audience, a message, and a decision constitutes the model’s methodological appeal. Salter (2008, 2010) argues that the diversity of factors involved in orchestrating a securitization move necessitates a multi-dimensional perspective that a
linguistic model alone cannot account for. This study’s main contribution to securitization theory lies in a conceptualization of the audience that reconciles the linguistic model of the speech act with a sociological theory of norm circles. It draws upon the linguistic model upheld by the Copenhagen School and reinforces the Copenhagen School’s view of securitization as a relationship between actor and audience, thereby leaning towards an internalist reading of securitization as a way of producing security through the illocutionary speech act, rather than the externalist view of securitization as a social process of ‘constructing’ security. Rather than abandon the linguistic model, or vouch entirely for a sociological model, I assert that securitization theory must incorporate a theoretical conception of the relationship between an actor and the audience within an illocutionary event. Using norm circle theory to conceptualize the audience, I preserve the Copenhagen School’s theoretical centre of gravity – the illocutionary speech act – whilst accommodating the criticality of the relationship between actors and audiences, the norms involved within that relationship and the nature of those norms (i.e. hegemonic or resistant).

The binary nature of these norms – being either of a hegemonic or resistant nature – lends theoretical stability to the relationship between actor and audience by providing a limited and specific normative locus from which the *speech act* derives its illocutionary force. This avoids placing undue emphasis on the semantics of empirical discourse analysis in securitization theory, which runs the risk of confusing the language of security with tangible security moves. Even though political parties of the HNC may transition from open border policies towards restrictive policies using the language of security, this does not correspond to the securitization of asylum unless a stable relationship exists between the dominant securitizing actor and the audience, based on the mutual enforcement of exclusionary norms. Between November 2009 and June 2010, when the Rudd Labor government transitioned from open border policies towards restrictive policies using the language of security, the securitization of asylum was successful because the Labor Party had shifted from the NCR to the HNC. By re-integrating with the HNC and abandoning the NCR, the Labor Party re-
established a stable relationship with members of the HNC based on the mutual endorsement and enforcement of exclusionary norms on asylum policy. The securitization speech acts of Prime Minister Rudd and his successor, Julia Gillard, were accepted by audience members of the HNC. Here, audience members consisted of Labor parliamentarians and their constituencies, but more critically, dominant securitizing actors of the Liberal-National Coalition and the constituencies that they represented. During the tenure of the Rudd and Gillard Labor governments, securitization became entrenched in Australian asylum policy because Gillard refused to challenge the Opposition’s xenophobic rhetoric, while not herself espousing ethnic nationalism. By contrast, the case of Sweden during the 2015 refugee crisis demonstrates how the deployment of security forces and a shift away from generous towards restrictive policies did not equate to the securitization of asylum. This is because the relationship between members of the HNC was, and continues, to be based on the endorsement and enforcement of human rights, solidarity with asylum seekers and the promotion of norms of international law.

I have demonstrated that the successful securitization of asylum requires the presence of a stable relationship between the dominant securitizing actor of the hegemonic norm circle and the audience of the HNC, based on their mutual endorsement and enforcement of shared exclusionary norms. I have shown that, where the political system is majoritarian, as opposed to consensus-based, securitization speech acts are more likely to be accepted, particularly when the hegemonic, exclusionary norms underpinning the securitization discourse are fundamentally unchallenged. In Australia’s majoritarian political system, power is concentrated in the executive. Coupled with strong bipartisanship on asylum policy, this greatly reduces the potential for norms of international law to replace exclusionary norms. Parliamentary majorities are won by targeting and appealing to marginal constituencies. This is because Australia’s compulsory preferential voting system means that marginal electorates can determine the outcome of an election. By appealing to conservative constituencies who prefer securitized asylum policies, major parties in Australia have
competed in introducing the most punitive asylum policy. Competition for marginal votes led the Labor Party to abandon the NCR in the 2010 federal election and fully integrate with the HNC, because Labor believed that they could not compete in the way governments are formed in Australia without endorsing exclusionary norms. In-group stigma wielded by Liberal-National Coalition members of the HNC played a key role in ostracizing and de-legitimizing the Labor Party in the eyes of conservative voters residing in marginal seats. In order to win key marginal seats, the Labor Party advocated the (re-)securitization of asylum.

While a majoritarian system is not an essential condition for securitization, it makes securitization much more likely, because of how the dynamic between the parties on asylum policy plays out.

By contrast, in Sweden’s multi-party and consensus-based political system, small liberal parties play a key role in determining the outcome of asylum policy. Sweden’s consensus political system, characterized by proportional representation and the limiting of executive power, greatly increases the potential for norms of international law to acquire and maintain their hegemonic status in parliament. In Sweden’s multi-party system, parliamentary majorities are more difficult to win, and there is almost always a need to build parliamentary alliances and coalitions based on shared norms. Further, because hegemonic norms on asylum policy in Sweden are inclusive, major parties in Sweden have had to modify restrictive stances on asylum in order to acquire the support of small parties that prefer inclusive asylum policies. During the 2014 general election, the Left Party and the Greens secured 13% of the vote, forming the Red-Green bloc with the Social Democratic minority government. Indeed, the Left Party and the Greens, as well as other small parties of the previous Centre-Right Alliance government, including the Centre Party, the Liberals and the Christian Democrats, have exerted a strong influence in preventing the securitization of asylum in Sweden since the entry of the Sweden Democrats to the Riksdag in 2010.

Critically, Swedish consensus parliamentarianism has reinforced the ostracization of the Sweden Democrats, the securitizing actors in parliament, even though the party has growing
electoral support. Unlike Sweden, the Australian Greens exerted very little influence in the 2016 election, even though they secured a broadly similar amount of electoral support (10.2%) as the Left Party and the Swedish Greens during the 2014 general election. This is a consequence of compulsory preferential voting within Australia’s majoritarian political system. Hypothetically, under an alternative electoral system such as that of continental Europe, the Australian Labor Party would have had a strong interest in getting support from the Greens to form government. The nature of the hegemonic norms, and power dynamic within parliament would have been similar to that in Sweden. The comparison of Australian and Sweden demonstrates that relationships between parties that constitute the HNC and the NCR, and the norms that they endorse and enforce, are shaped by the nature of the political system that determines how alliances are formed. Thereby, the successful securitization of asylum is a consequence of the acceptance and enforcement of exclusionary norms, achieved through the establishment of stable relationships between parties/members of the HNC, which is facilitated by a majoritarian political system.

In determining whether norms of international law are accepted or rejected by members of the political elite, a key role is played by the political use of stigma. I have elaborated upon Dave Elder-Vass’s (2010) sociological theory of norm circles by establishing that stigma is the key causal power of norm circles, being the mechanism by which a norm circle preserves its hegemony, or resists and works to transform power asymmetries in parliament. Stigma is the agential power of audience members that enforces cohesion between parties, as well as within a party. For members of the audience, the group against which stigma is wielded determines whether securitization speech acts are accepted or rejected. In Australia, in-group stigma is used *preservatively* by the HNC to suppress deliberation and debate, and erode the positional power of Labor Party parliamentarians as de-securitizing actors. The preservative use of in-group stigma works efficiently in a two-party, majoritarian system where the issue of asylum can be used to split the electorate. By endorsing draconian, exclusionary asylum policies, the Coalition appeals to Labor’s conservative constituencies who prefer punitive
asylum policies. The stigmatization of the Labor Party, resulting in its return to the HNC, affords the Coalition political superiority on the issue of border protection. In-group stigma is used *transformatively* by Labor parliamentarians as members of the NCR to de-legitimize securitizing actors, but this has been unsuccessful due to the nature of the majoritarian political system that supports the preservation of exclusionary norms endorsed by the HNC. By contrast, in Sweden, in-group stigma wielded *preservatively* by the HNC erodes the positional power of Sweden Democrats, by limiting their influence in parliament as primary securitizing actors. In-group stigma is used *transformatively* by the Sweden Democrats as members of the NCR to de-legitimize non-securitizing actors, and elevate their own positional power, but this has been unsuccessful due to the nature of the multi-party political system that encourages party cohesion and consensus-oriented parliamentarianism based on inclusive asylum policies. This electoral system supports the preservation of inclusive norms endorsed by the HNC.

A supplementary condition that promotes the securitization of asylum in the presence of a stable relationship between a dominant securitizing actor and target audience of the HNC involves the nature of the norms endorsed and enforced by members of the HNC. Successful securitization occurs where hegemonic and exclusionary norms underlying asylum policy are reinforced by ethnic conceptualizations of national identity. In Sweden, dominant norms of equality, freedom and solidarity established through Sweden’s long history of social democratic rule have formed the foundation of Swedish civic national identity, whereby belonging to the *demos* involves shared responsibility to preserve these norms both domestically and internationally. Thus, in Sweden, where civic conceptualizations of national identity are dominant amongst members of the political elite, there is more willingness to accommodate norms of international law in refugee policy and legislation.

The cases of Australia and Sweden have demonstrated that the prevalence of exclusive perceptions of ethnic national identity (in contrast to civic forms of national identity) on the issue of asylum results in less favourable perceptions of asylum seekers as well as higher
rates of xenophobia. This is evident amongst Australia’s major parties, particularly the Liberal-National Coalition, and in Sweden’s right-wing populist party, the Sweden Democrats. In Australia, former Liberal-National Coalition leader John Howard’s legacy of ethnic nationalism became entrenched in Australian asylum policy because it was not challenged by either of the former Labor Party leaders, Kevin Rudd or Julia Gillard. A decade after Howard’s demise, the stigmatization of asylum seekers based on xenophobia, distrust and exclusionary forms of ethnic national identity continues to be used by securitizing actors of both the Liberal-National Coalition and the Labor Party in order to appeal to voters in marginal seats.

From the case studies of Australia and Sweden, I conclude that the presence of the following preconditions is necessary for the successful securitization of asylum:

1. a stable relationship between a dominant securitizing actor of the hegemonic norm circle and the parliamentary audience of the hegemonic norm circle, based on
2. their mutual endorsement and enforcement of shared exclusionary norms, which reject international legal obligations, an outcome which
3. is facilitated by a majoritarian political system with a strong executive formed through the competition of major parties for votes in marginal seats.

The nature of the political system is critical in the way that it configures hegemonic norm circles and norm circles of resistance, as well as the relationships between parties in the HNC and NCR. Where political parties in a multi-party, consensus-based electoral system form alliances based on the mutual endorsement and enforcement of hegemonic, inclusive norms of international law, the securitization of asylum is resisted. By contrast, where political parties in a two-party, majoritarian electoral system are inclined to form relationships based on the mutual endorsement and enforcement of hegemonic, exclusionary norms that disregard the *jus cogens* norms of international law, in order to appeal to voters in key marginal seats who prefer securitized policies, the securitization of asylum is
entrenched. Given these preconditions, and where shared exclusionary norms are reinforced by ethnic conceptualizations of national identity that appeal to target voters who prefer securitized asylum polices, securitization is highly successful.

The theoretical framework advanced in this thesis provides a useful conceptualization of the role of the audience in the securitization of asylum, and of the role of stigma in either reinforcing or preventing securitization. Stigma has been established as the causal power of norm circles, a power that is used to either reinforce hegemonic norms, or to challenge hegemonic norms, as well as to construct the existential threat presented by a societal out-group. Stigma is the power that determines whether asylum seekers are included and humanized, or brutalized and excluded from the *demos*. The contrasting political systems in Australia and Sweden render the acceptance of norms of international law more likely in the latter than in the former. The prospect of dramatic asylum policy change in either country is unlikely. In Australia, the dominance of exclusionary norms within a majoritarian political system diminishes the chances of successful de-securitization of asylum. Major social change would be required to transcend the constraints of hegemonic, exclusionary norms. By contrast, the securitization of asylum is unlikely to occur in Sweden under the proportional, consensus-based Swedish political system where major parties are required to form alliances with smaller parties that advocate inclusive norms of international law in asylum policy. Further, securitization speech acts stand to be rejected in the Riksdag, as long as xenophobia and the exclusionary norms underlying the securitization discourses of the Sweden Democrats, remain challenged by members of the hegemonic norm circle in Sweden.
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