The Free Movement of Discourse

A Mapping of Illegal Immigration Discourses in the European Union

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Abstract

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Combined with other rhetoric towards illegal migration and other movements across the new EU border ‘illegals’ and the ‘undocumented’ are “the most feared immigrant” (Engbersen et al., 1998, p. 199). This essay approaches the issue based on the post modern question of whether these observations are objective mirrors or reality? Beginning with the notion of ‘illegal’ immigration as a contested concept this paper uses a post-modern approach to answer two important overarching questions. First, *what are the benefits of post-modern theory (discourse analysis) versus political science and the traditional pillars of social science?* Second the paper will *discover, discuss and assess the alternative discourses of immigration in the European Union [EU]*. The paper maps the range of discourses of illegal immigration in Europe and concludes that a discursive shift is possible and that discourse analysis is a valuable addition to EU studies.

Table of Contents

Acceptance Form	ii
Abstract	iii
Table of Contents	iv
Abbreviations	v
Chapter 1 Introduction	1
Chapter 2 The ‘Control’ of ‘Illegal’ Immigration	26
Chapter 3 Alternative and Contending Discourses	45
Part I: The Discourse of Markets: Regulation, Management and the Economics of Illegality	47
Part II: A Cosmopolitan Discourse: ‘Humans are not Illegal’	77
Chapter 4 Discussion and Potential	107
Notes	132
Bibliography	139

Abbreviations

EBRD – European Bank for Reconstruction and Development

ECRE – European Council on Refugees and Exiles

ETUC – European Trade Union Confederation

EU – European Union

GATS – Global Agreement on Trade in Services

HRW – Human Rights Watch

ICMPD – International Centre for Migration Policy Development

JHA – Justice and Home Affairs

MPG – Migration Policy Group

ODIHR – Office for Democratic Institutions and Human Rights

OSCE – Organization for Security and Cooperation in Europe

UNHCR – United Nations High Commissioner for Refugees

UNHCHR – United Nations High Commissioner for Human Rights

UNICE – Union of Industrial and Employer's Confederations of Europe

WTO – World Trade Organization

CHAPTER 1

Introduction

Alongside the historical evolution of the EU there have been a number of attempts in European Integration Studies and political science to define and explain the past, present and future of European integration. With the emergence of 'new' 'European' issues and forms of rule, along with post-modern or post-structuralist theories, it is both possible and necessary to evaluate additional ways of thinking. Still, the question must be asked as to whether post modernism offers a formidable and enriching complement to mainstream political science approaches. What is uncovered and how is understanding improved? This introduction lays out the political and theoretical context in order to provide a framework for the discussion that follows. The chapter begins with a brief survey of illegal immigration as an issue and describes the EU context within which it will be studied. It then considers the state of research on immigration and integration and suggests what is lacking. Additionally, the motives for choosing illegal immigration as a topic and the EU as a setting are explained. Following these topics, the chapter describes discourse analysis in general and outlines the particular approach taken in this paper.

The Problem of 'Illegal' Immigration in Europe

Discourse analysts are mindful of labelling issues as 'problems' and acceptance of a 'reality' outside of its contingent discursive context. As this essay demonstrates, understanding 'clandestine' migration in this way is in fact one contemporary starting

point. Before delving into the issues and concerns raised by the discourse perspective it must be noted that a number of observations and events suggest that migration in general is understood as a specific kind of problem.

The beginning of the 'problem' is often traced to the late 1960s and early 1970s with the so called 'immigration stop' that put an end to 20 years of economic based immigration in Europe. This was characterized by a trend of control and prevention, so-called 'zero-immigration', and simultaneous difficulties of forming a harmonized policy for the EU (Kostakopoulou, 2000, p. 506). Silverman identifies "... a new consensus on immigration... constructed at the end of the 1960s and the beginning of the 1970s which laid the foundations for the contemporary debate on immigration" (1992, p. 70; see Huysmans, 2000, p. 755). *From this point on* EU migration, especially illegal traffic, is habitually known, studied, debated, and policies justified, in terms of a particular discourse that I describe as the 'control' discourse.

Research on immigration provides a number of observations. One is a general sense of panic. The oil shock in the 70s, the end and immediate aftermath of the Cold War, conflict in Yugoslavia, economic and demographic changes and an upsurge in the scale of population movements of all types, especially 'illegal' immigration (Hailbronner, 2000, p. 161-64), have all contributed to a feeling that EU member states are 'under siege'. A second issue implicates European integration and involves the priority of the EU to create a single market. A truly free market, or marketplace Europe, *anticipates* the free movement of third country nationals and outsiders. Still, the inability to develop a harmonized policy in this highly 'sensitive' area has become one of the "largest items blocking full implementation" (Papademetriou, 1996 p. 16). Policy makers are at a self-

acknowledged ‘impasse’. Little progress has been made towards the goal of a common European migration policy despite the reaffirmation of the objective at the Tampere European Council in 1999. Den Boer observes that immigration policy development, in terms of process, is firmly defined by intergovernmentalism and ad hoc reactive policy (den Boer, 1995; see Kostakopoulou, 2000).¹ Another ominous development for the ‘mainstream’ is the success and popularity of far right politicians and their party platforms, in particular for their anti-immigrant attitudes directed at clandestine immigrants. These observations, and alternatives, cannot be properly appreciated until it is determined what specific *kind* of problem illegal immigration is. First, the theoretical context of the EU must be introduced.

The Context: Theories of European Integration

European studies have, for the most part, been set within the confines of an debate between intergovernmentalist and functionalist theory (see Rosamond, 2000). While both have had their period of dominance the resultant ‘conversation’ between the neo-functionalists and the intergovernmentalists has produced a variety of scholarly viewpoints and spin-offs. One observer notes that, “the clutch of theoretical accounts that emerged in the 1950s and 1960s offered *rival narratives* of how and why regimes of supranational governance developed and how closer co-operation... could generate wider political integration” (emphasis added; Rosamond, 2000, p. 1). In other words the goal is to provide new evidence and theories that support one view and displace existing or alternative explanations. The focus, methodology and variables applied by the two

schools have very much remained within this general approach using the traditional tools of social science.

Theories of International Immigration and Definitions of Illegality

In terms of the issue of illegal immigration, an emerging policy field at the EU level, the application of discourse analysis is appropriate given the variety of interpretations of what ‘illegality’ means and the diversity of situations involved (den Boer 1995, p. 99; Hailbronner, 2000, p. 161; Koser, 1998, p.186). Generally, it involves immigration outside of the control of relevant authorities.² This appears to be a simple process of observing who matches this definition and in turn an appropriate categorization. Nonetheless, discourse analysis directs the researcher to discuss the dynamics of the language applied to this category of migrant and to understand the connotations and implications.

From an academic and policy perspective the knowledge that is building up around the issue is critical, especially in the context of this essay. It is beneficial to outline how traditional political science is researching this topic. An initial observation is that few texts do not start out without some recognition of the migration problem and threat to sovereignty (Brochman and Hammar, 1999; Joppke, 1998; Sassen 1996). In terms of the EU’s handling of it, the issue of illegal immigration is explained by the interests of various member states and the intergovernmental decision-making process, especially in Council meetings (Geddes, 2000; Papademetriou, 1996; Monar, 2001). Studies of illegal immigration have emphasized the hardships of these migrants, the interests and methods that shape how governments deal with the problem (to various

degrees of success), statistical and mobility trends and assessment of ‘push’ and ‘pull’ factors (Engbersen and van der Leun, 1998; Jordan and Duvell, 2002) . However, a growing number of academics are challenging the universality of the claims and epistemological coverage of such research. As Huysmans argues, “in research that legitimates itself largely as problem solving, it would be hard to neglect what is increasingly being presented as a basic security problem... an interpretation which these writers of course reinforce by researching the problem” (Huysmans, 1995, p. 54). ‘Illegal’ immigration is, more often than not, theorized and researched as a security issue. This trend requires discussion.

‘Modern’ Social Theory and the Issue of Research Method

Many questions remain unanswered by immigration and European integration research and theory. In terms of the application of orthodox social science and the better understanding of policy in the EU, there is no doubt as to the value of the contribution made by many theories. Be it neo-functionalism’s ability to place the nation-state within a sphere of governance involving an ever encroaching process of ‘spillover’ or intergovernmentalist recognition of the persistence and continued relevance of national interests and institutions, contributions from both sides have provided valuable answers.

From a methodological and theoretical perspective, however, traditional theories are fighting a battle for the same territory with much more requiring examination as well as critical inquiry. Whether policy integration is expressed as neo-functionalism, functionalism, liberal intergovernmentalism or otherwise, a series of characteristics are

evident. The emphasis of several political science and international relations theorists is on the interests, legislation, institutions, actors and the relationships between them. The methodology is rationalist and positivist and assumes the objectivity and neutrality of the observer and the theory. The political science of integration often has a factual and scientific character seeking to explain the process, while discounting other testable theories. Research questions focus on *why* processes and outcomes of policy making in the European context happen as they do. Also within this framework, many political scientists label crises in relation to the expectations of a theoretical logic (Rosamond, 2000, p. 15, 161). As with immigration theory, the fundamental focus of European integration studies is on causes (motives, interests) and effects (a particular policy, a mass movement of people).

An example of the rationalist approach is found in Moravcsik's liberal-intergovernmentalism where he argues, “the rational pursuit of commercial interests... provides the *only* plausible explanation (for integration)” (emphasis added; 1999, p. 373). Great events such as treaty deals, the decision-making and interests behind new European projects and other ‘observable’ facts and trends ‘explain’ policy. Thus, in terms of European integration in general, the traditional theoretical debate is waged under the same ‘rationalist umbrella’. Even a new emerging debate between rationalists and ‘constructivists’ utilizes the same rationalist methodology from a slightly modified perspective (Smith, 2001).³

The Limits of the Old Paradigm

Just as important is the recognition by academics of the limits of both their theories and concepts not only in terms of the ability to determine the 'true' explanation but also what they fail to account for. The weaknesses and unasked questions point to the continuing need for supplementary and critical theoretical perspectives. As Smart says, "it is also evident that the modern project which derives from the Enlightenment, and with it many, if not all, of the assumptions and established objectives or ends of modern social theory and analysis, are increasingly being called into question and being rendered problematic" (1996, p. 396). This is even more important given the fact that the aforementioned dominant approaches fundamentally use the same units and methods of analysis. They continue to apply similar sets of variables while utilizing an explanatory ethic.⁴

Arising from the fact that little has fundamentally changed theoretically, the state of European studies continues to suffer from the same weaknesses that it has for the last 50 years. Scholars, especially those operating with a different methodology, are arguing more and more about the limits of the 'old debate' (Rosamond, 2000, p. 5-6, 105). Put simply, the argument is that traditional political science alone cannot hope to be able to fully explain European integration and its acquisition of new policy domains. The study of European integration is too complex to be properly understood by traditional theories alone; a plurality of academic tools is necessary. The ethic is simple and produces testable and observable answers, but provides narrow answers and few real alternatives to existing forms of knowledge. Nor does it offer a real 'reflective moment' on how the EU is attempting to take on issues like 'illegal' immigration.

This study takes as its base some inherent weaknesses of rationalist approaches to the study of illegal immigration and European integration.⁵ The first factor to take note of is the importance of perspective and the impact of 'circularity'. In terms of integration theory Rosamond observes that, "theoretical debate could be construed as disputes about different ways of obtaining or producing knowledge" (2000, p. 7). Thus, each theory with its own perspective asks particular questions that produce a particular epistemology/ontology. Rosamond adds, "this may be a route to theoretical parsimony, but it also threatens a circular form of argument that excludes alternative explanations which might emphasize the importance of [other] variables" (2000, p. 152). For example, referring to standard political science approaches, Rosamond bold claim is that "in terms of integration, the only questions [political science] is capable of answering are those about whether there should be more or less [integration], or those about the interaction of national interests in an intergovernmental arena" (2000, p. 157). Many possible questions about how language works are not asked or are precluded.

A second theoretical issue is the active nature of theory itself, a factor typically ignored by the rationalist theories. In attempting to make social reality explicit, we alter the very reality we are trying to explain, for example by categorizing and naming some forms of movement as 'illegal'.⁶ As Smart states, "the circularity of the relationship between social knowledge and social realities, the fact that social knowledge contributes to the transformations of the social contexts analyzed, has meant that knowledge is of necessity continually subject to revision, and in consequence no longer to be characterized by certainty" (1996, p. 422). By recognizing the importance of this fact 'constructivists' made a bold move. However, since many constructivist approaches

share many of the epistemological assumptions of rationalists (Smith, 1999, p. 197) a plethora of questions has yet to be asked and variables explored; these include those highlighted at the beginning of this essay as they relate to 'illegal' immigration in the European context. While language has been noted by constructivists as an appropriate phenomenon or 'social ontology' to analyse (Christiansen et al., 1999, p. 3), how it is examined and conceptualized differs in a post-modern study. In such studies, understanding the *dynamics and processes* of language is prioritized rather than its causal and explanatory properties in relation to norms and ideas that construct interests, identity and 'reality'.

One of the elements that is only now being considered in the study of political issues is language. This hints at the importance of a consideration of alternative approaches such as discourse analysis. Greater attention is being placed on the fact that language is mistakenly considered, if at all, as a neutral medium in these approaches (Diez, 2001, p. 9; see also Laclau and Mouffe, 1985, p. 110). There is a need for the academic to take on the role of reflective 'observer', as opposed to determining a grand explanatory theory, especially in the field of European illegal immigration policy. This paper seeks to focus on these concerns and open a space for critical and alternative commentaries rather than explaining causes and effects as such.

Such questions lead to another goal of this paper: to assess discourse analysis for its ability to enrich, enhance and develop 'modern' political science interpretations of illegal immigration. Alternative representations, cross-comparisons and the lessons learned will be played against political science to address the issues and concerns mentioned earlier. The conclusions and explanations coming from numerous disciplines

are put to the test as potential ‘grand theories’. The essay assesses the benefits of looking at what is ‘missing’ in many social scientific endeavours, whether methodologies can be combined and examines the payoffs.

The Post-Modern Niche in Social Science

The aforementioned theoretical issues point to the need for discussion of the role of post modernism and language in the study of European integration in general and illegal immigration in particular. How do the aforementioned weaknesses and gaps of traditional approaches relate to the treatment of illegal immigration in this setting? The discussion begins with the roots of discourse analysis as a ‘post-modern’ research method before examining how this paper applies it to illegal immigration discourses in the EU. Discourse analysis is young and diverse in terms of its application to European integration studies and public policy. As Fairclough notes, the social sciences have tended to treat language as transparent (1992, p. 2). It is important to define what exactly it is, where it is situated in the academic field and why it is particularly suited to a study of illegal immigration. This is done while outlining the particular approach taken from within this broad area of research.

The post-modern method is a reaction to the aforementioned traditional or orthodox approaches in the political sciences. Smart points out that, “it is precisely this possibility of being able to take stock of modernity... to be able to reflect upon its central assumptions, practices, and accomplishments... which has been identified as symptomatic of the emergence of a post-modern condition” (1996, p. 398).⁷ Emerging in the late 1960s, a number of theorists are identified as part of this tradition including:

Foucault, Lacan, Barthes, Lyotard, Derrida, Kristeva, Baudrillard, Deleuze and Guattari (Berman, 1996). Ultimately a central tenet is, as Lyotard says, ‘the failure of the universal’ of ‘grand narratives’ or ‘master narratives’ (cited in Berman, 1996, p. 174). Laclau and Mouffe refer to the end of the “era of universal discourses” (1985, p. 3). Thus it embodies a critical reflection towards the central elements of modern social theory.⁸ Smart identifies four key issues: the crisis of representation and associated instability of meaning, the absence of secure foundations for knowledge, the centrality of language, discourse and texts, and the inappropriateness of the Enlightenment assumption of the rational autonomous subject (1996, p. 399). Within this overall ethic of research the question remains as to specific foci of analysis and of the research process. As a result of post-modernism’s rejection of any ‘universalist discourse’ the study of language is critical.

Language and Social Theory

Discourse analysis is focused on the role or power of language. Rooted in either structuralist or post-structuralist linguistics, language has emerged as a key area of analysis for academics.⁹ Since language is understood as a fundamental way that we can come to know things, it has a power in its own right or ‘autonomy’ (Larsen, 1997b, p. 11). The discourse approach moves a step further based on the assumption that “there can be no meaning in ‘language’ alone” (Macdonnell cited in Larsen, p. 13). Work by Foucault and others highlight the importance of the social values given to words.¹⁰ Discourse then is the context bound ‘system of values and rules’ that determines

meaning of language (Larsen, 1997b, p. 14). In this paper discourse analysis is used as a 'macro-concept' to show how language influences societal processes.

Discourse Analysis as a Research Method

With the theoretical and methodological context in place it is important to turn to how a post-modern discourse analyst carries out research. In terms of studies of international politics and European integration, discourse analysis is a relatively novel approach (Diez, 1999b; 2002). As Van Dijk highlights, "in [a] long list of the various discursive disciplines only *political science* seems to be systematically absent" (1997, p. 27). As a part of a post-modern or reflexive approach, discourse analysis has an alternative point of departure and set of research goals than modern ones.¹¹ Those who adopt its basic tenets have a different view of social science. They see it as a social practice implied in power relations with the power to name, authorize and affirm (see, Bigo, 2002). The goal is to examine interdependencies and possibilities from a reflective position rather than to explain as such. In this process of "unremitting critical reflection" (Smart, 1996, p. 423), "the question needs to be raised whether such a social scientific 'ideal' is achievable or even appropriate for discursive approaches" (Diez, 2001, p. 12). As a 'mentality' or 'approach' rather than a 'scientific' theory, different questions are asked as part of the academic endeavour.

Since discourse is not understood as an independent variable, as is the norm in social science, the questions that are asked as a part of this approach take on the following nature. Rather than asking why the EU is taking a particular stance on illegal immigration, the question is how the EU and its policy leaders could make a legitimate

and 'reasonable' case for their actions and 'how this affected the overall discourse' (Diez, 2001, p. 24). This paper will ask how illegal immigration “is conceptualized in specific ways, how this makes politicians ask certain questions and not others, what effects this has on the organization of governance, and which alternatives are available in the debate” (Diez, 2001, p. 21) A unique methodology and theoretical perspective thus produces a particular set of questions.

As articulated by Diez a research 'approach' for discourse analysis is not aimed at “clear cut independent and dependent variables” or seeking out causal relationships (Diez, 2001, p. 12). With this in mind, it is nonetheless possible to identify a series of things the discourse analyst looks for along with a manner of going about research. The issue is not whether post-modernism can compete as a rationalist, positivist alternative but what its own particular contribution to academic dialogue and understanding can be. Since different questions are asked, a distinctive theory of politics is put under the microscope. As Diez says, “... the main struggle is not between competing interests in the narrow 'economic' or 'national' sense, but between competing discourses of European governance. 'Europe becomes a discursive battleground with ramifications, as we will see, for the wider political debate” (Diez, 2001, p. 6). This vision forms the basis for the study of a topic such as illegal immigration.

Totalizing explanations such as those of Moravcsik or Marx are challenged (see Laclau and Mouffe, 1985). Discourse analysis is not offering the same kind of *explanations* as more traditional methods. Rather, it is a process of “wholesale reflexivity” (Smart, 1996, p 422). Ultimately the majority of discourse analysts focus on other goals rather than those of the strict understandings of social scientific method. In reaction to

the flaws of the aforementioned 'scientific' approaches, the central question of this approach, especially in its critical form, asks what is missing from existing studies and *how* illegal immigration is known rather than arguing in favour of another testable theory asking *why*. The post-modern contribution, of which discourse theory is a part, is geared to criticize, deconstruct and enhance the understanding of what is observed.

Discourse Analysis and the Study of Immigration in the Context of Integration

In terms of understanding European integration in general, discourse analysis uncovers the political consequences of particular discourses arguing that language enables, "different kinds of political actors to claim legitimate existence in different kinds of decision-making processes" (Diez, 1999b, p. 605). Representations of such concepts as 'illegal' immigrants are not understood as 'concrete' but as part of a 'struggle to impose meaning'. Language is a key part of understanding the political process.

Focusing on the European discourses towards illegal immigration as well as marginalization of other views, the lens of discourse analysis transforms an understanding of integration and its units. It is understood as a 'struggle of European ideas', history of speech acts, and a politics of discourse or changing structures of meaning (Diez, 1999b). Illegal immigration is part of this struggle. Accounts of integration are 'embedded' in discourse and meaning is 'dependant' on multiple discourses. It is without doubt that this approach to understanding how illegal immigration inherently alters a study of integration. Such a post-modern understanding directs many discourse analysts to look at alternatives and the changeable nature of articulations about illegal immigration in the EU. Overall, discourse analysis seeks to

expose marginalized or ignored alternatives of understanding along with the contingency and contradictions of seemingly 'hegemonic' ones. One issue that has not been overly discussed is the issue of how a post-modern approach such as discourse analysis studies changes as part of its overall ethic. The section now turns to a discussion of the methodological tools available to the discourse analyst to study subjugated discourses as well as the possibilities of a discursive shift.

The Importance of Alternatives

The characteristics of post-modernism and questioning of 'universal' narratives prompts an examination of the alternatives to any 'grand narrative'. As Smart summarizes, the goal is "to continue to critically interrogate reason, to show that it is not 'a question of one massive and unique reason', but rather, that there are only reasons or a plurality of rationalities is a vital analytical task" (1996, p. 408). He adds that post modernists, "have as their endless task the nurturing of dialogue and understanding between different, at times radically different, traditions and constituencies" (Smart, 1996, p. 424). Indeed, illegal immigration is a topic that I assert to be particularly appropriate for such a study, given the fluctuating rhetoric, sensitivity, emotion and 'myths' surrounding European debates on the issue. King stresses that "we need to deconstruct traditional migration dichotomies" (King, 2000, p. 91). Much like the development of the EU as a form of 'governance', there is an evident proliferation of conceptualizations of what 'illegal' immigration and patterns of migration in general mean. In the context of an apparently 'hegemonic' discourse, in the case of illegal immigration 'control' (Chapter 2), analysis of alternatives and possibilities for change are

key areas in need of discussion. Alternative discourses have the potential to affect thinking and meaning within these points.

Although it is increasingly used as a framework for observing politics, discourse analysis has yet to be fully applied. This essay, based on a need to follow through with these ideas and apply and assess the aspects of this approach, takes up the issue of ‘alternative representations’ of illegal immigration and their role in governing the issue. Indeed examples of studies of the ‘dominant’ discourse of immigration are not new (see for example, Ceyhan and Tsoukala, 2002). I argue that while this has met the expectations and goals of a post-modern approach in EU studies and made a valuable contribution to understanding, more can be done in terms of exposing what Van Dijk calls the ‘lexical variation’ (1997, p. 20) of concepts such as ‘illegal’ immigration as well as the plurality of ‘rationalities’ available.

Discourse analysis is therefore an unfinished business. As Milliken states, “Only a handful of studies actually study subjugated discourses as opposed to pointing out putative examples of these, and few still inquire into how ‘dissent’ is made and unmade” (Milliken, 1999, p. 244). In terms of ‘illegal’ immigration, discourse analysis has failed to carve out a larger niche for itself within the academic debate. Smart notes that many, “fail to acknowledge the transformed circumstances and new responsibilities which are the corollary of the ‘post modern’ condition,’ that is, the erasure of both the ‘great figure of the alternative’ and the ‘great founding legitimacies’ (1996, p. 408). Unfortunately, by failing to follow through on issues such as change and alternatives, they do not develop research beyond critiquing ‘dominant’ discourses. This is surprising given the understanding of any ‘dominant discourse’ as only a temporary fixation of meaning

(Laclau and Mouffe, 1985, p. 113; see Larsen, 1997b, p. 18-19). ‘Hegemonic’ discourses, while unstable, also prompt alternatives based on their own particular formation and are “liable to slip and slide into new relationships via resistances that their articulation and operationalization may engender” (Milliken, 1999, p.242; see, Bigo, 2002, p. 82).¹² Given the nature of unstable fixation, it is important to know the other discourses available and struggling to fix meaning.

This encourages a repoliticization and wider debate about illegal immigration. If illegal immigration is understood as a contested concept, especially in terms of its novelty as a burgeoning EU issue, how it is contested politically is an important step to accomplishing a reflexive moment. Overcoming ‘academic discipline’ (Diez, 2001, p. 26) requires that the EU be exposed and tested for what it is, a contested space within which debate is ‘diverse and varied’ when it comes to this issue (see, van den Berg and Pas, 2002). The number of studies labeling the EU as engaged in a debate over ‘Fortress Europe’ or ‘Sieve Europe’ is an example of such preoccupation (see, Bigo, 1998). The ability to discursively leap between different rationalities, and nature of discursive shifts, are all processes that are not understood if one does not map a discursive domain or range of possible visions. As part of this process of critical thought and understanding, discourse analysis can be used to make a complete ‘*mapping*’ of possible rationalities and visions of ‘illegal’ immigration in the EU. In order to present the binary nature of language and the possibilities for change that are exposed in alternatives and cross-comparisons of discourses, the analysis of a ‘field’ of discourses is required.¹³

In any political debate there are central concepts that are the focus of contestation (Connolly, 1993). Some argue, structuralists for example, that language is

rather static and that discourse is “independent”. Others highlight the ‘looseness’ of language and meaning. Taking up the arguments of the latter, this particular examination considers ‘illegal immigration’ as one such ‘contested concept’ (Bigo, 2002, p. 71). While it seems illogical to dispute what ‘illegal’ means, in the sense of its ‘analytic’ quality as something defined in law, its binary relation with legality and ‘contentedness’ are often ignored in studies that unthinkingly present it as another variable or ‘neutral’ objective label.¹⁴ Much ground has already been filled in terms of the deconstruction and juxtaposition of hegemonic discourses. This essay takes up an approach in which the concepts of *discursive nodal points* and *metanarratives* are key and the focus is on alternative or subjugated discourses.¹⁵ Before applying these concepts to empirical evidence, it is important to discuss the meaning of these key analytical terms.

Discursive Nodal Points

Discourse analysts have already made efforts to conceptualize and offer methodological guides to examining alternatives, change or both (Milliken, 1999; Fairclough, 1992; Laclau and Mouffe, 1985). This essay takes advantage of their contributions and utilizes many of their concepts. There is a broad range of visions of what language and discourse are as demonstrated in the debate between structuralists and post-structuralists and different ‘schools’ of discourse analysis. Given that this paper is focused on uncovering alternative understandings of illegal immigration and examining change, use is made of the analytical concept of discursive nodal points. It accepts the claim by post-structuralists such as Derrida that language is moveable rather than a

‘crystal grid’.¹⁶ The concept, explicated by Laclau and Mouffe, is useful as a tool in understanding politics.

Based on the work of Lacan, Laclau and Mouffe define ‘nodal points’ within the context of a discursive attempt to fix meaning. They state that, “any discourse is constituted as an attempt to dominate the field of discursively... [The] privileged discursive points of the partial fixation of meaning [are] nodal points” (1985, p. 112). While in principle anything can become a discursive nodal point [DNP], they can be defined as a broadly established principle, considered legitimate, that is linked or attached to an argument. In this way illegal immigration can be analyzed as a concept that has achieved a relatively stable state to a point in which other elements can be defined by it, for example threats. While it seems natural, there is no necessary connection. Diez defines DNPs as “central concepts in the political debate around which meaning is stabilized” (Diez, 2001, p. 16). A DNP or *societal theme* is something like ‘illegal immigration’, in which various metanarratives, to be defined later, are gathered together by *various* actors in *various* ways and defined by particular legitimation criteria to form the link. In order to make the contested concept or DNP meaningful, metanarratives are combined discursively to create it. DNPs are focal points for struggles to define and fill out the content of a concept’s meaning.

The usefulness of this approach is threefold. First, by exposing the contingency, fluidity and contentedness of any particular DNP the researcher is able to examine the metanarratives and legitimation criteria at work. There is an inevitable plurality of combinations and articulations of metanarratives that must be made explicit. Second, the idea that “each policy articulation is both enabled by and reproduces such a larger

discursive structure” (Diez, 2001, p. 6) understands policies as contingent and embedded in a DNP and worthy of discursive examination. Lastly, the concept of DNPs makes possible the conceptualization and the evaluation of change between competing discourses. This will help fulfill a key goal of the paper: to present a full mapping of possible visions of illegal immigration in Europe in order to understand the nature of debate and available alternative.

Metanarratives: The Building Blocks of Contested Concepts

As the introduction of the concept of DNP made clear, metanarratives are crucial in attempts to fix meaning. According to Diez’s definition of metanarratives they are answers to the “basic questions of ‘what the world is about’” (Diez, 2001, p. 7).¹⁷ While Diez identifies ‘politics’ (input), ‘economy’ (output) and ‘society’ (identity) others come to mind including ‘security’, and ‘human rights’. In terms of economy one can think of ‘free markets’ and society as being ‘cosmopolitan’. In essence a metanarrative provides a background narrative for answering questions about how ‘reality’ operates. How these metanarratives are understood and combined, based on the rules and values of a discourse, and how they work to fix the meaning around DNPs are important processes. Given that there are many possible metanarrative definitions and combinations, there are in turn a variety of meanings that can be attributed to any DNP.

Examining (Subjugated) Alternative Discourses

The question of a methodology is a delicate subject for post-modernists. They fear being lumped together with the branches of social science that they seek to

distinguish themselves from and critically reflect on. Still, as Larsen, Diez, Fairclough and especially Milliken have argued, the goal to observe, expose and critique need not prevent discourse analysts from developing a research agenda or program on their own terms. Studying ‘subjugated knowledges’ is an example of just one area in need of research of this kind.¹⁸ In an attempt to assert a politically relevant role for post-modernism these theorists have presented agendas that provide a loose guide for this *mentality* or *approach* and establish it as a key part of the academic dialogue. The following examines how this study went about research and answering the overarching questions of the paper.

Who and What

In regards to the sources of discourse, the determination of relevant actors is important. While for practical and logical reasons the net is not cast too wide, the choices made had breadth and diversity in mind. The search is for written and spoken ‘articulations’ of illegal immigration as an EU issue by ‘relevant’ actors as important indicators of the discourses and implications.¹⁹ For this purpose I focused on opposition voices in government and at the EU level, along with their actual and proposed policy articulations. Thus in each section, an effort was made to outline the policies that follow or are part of each discursive formation around illegal immigration. Also non-governmental and intergovernmental organizations in the field of migrants were included, ranging from politicians, business, migrant organizations and support networks to the better known bodies such as Migration Policy Group and the UNHCR. News media and academic voices were incorporated as active participants in defining the

knowable and visible of illegality in the European context. The inclusion of these sources is part of what must be considered a wide range of relevant actors from a discursive point of view. In terms of the oft-studied control discourse, attention was focused on drawing out discussions on illegal immigration from within existing studies. Primary sources were surveyed in order to supplement, exemplify and update these conclusions. As a result of practical limitations historical accounts are based primarily on secondary sources. The overarching goal was to seek out and provide examples of a range of discourses of 'illegal' immigration in Europe.

The 'Mapping' of Discourses I: The Temporary Fixation of Meaning

Some intricacies are involved in planning and executing an examination at the level of contending systems of discursive representation. This involves a combination of novel questions and frameworks of analysis to guide the examination of interdependencies and relationships between discourses while drawing out possibilities and limits. First, this calls for an analysis of the 'dominant' discourse, better understood as a prominent and temporary fixation of meaning and understanding. This discourse is identified to demonstrate how observed reality is in fact contingent on it. If one examines alternatives in the context of a European mapping, the 'control' discourse must be presented and laid out as a foil. It is a matter for fullness and comparison. This is accomplished in this paper by a review of existing literature and a clarification of the discursive elements uncovered, given that these studies tend to study immigration as a general issue rather than focus on illegal migration as such.

The ‘Mapping’ of Discourses II: The Process of Comparing Discourses

The next requirement of the post-modern discourse analysts is to expose alternative or counter-discourses. In order to establish a basis for comparison and criticism, it was necessary to provide a standard series of questions applied to each discourse. In dealing with the issue of change, other unique questions and evaluative standards had to be brought into play. This involved assessing how each is constructed as well as its implications. Based on a survey of illegal immigrant discourses in this way the groundwork is laid for a comparison lacking thus far in the literature. A critique of assumptions and taken for granted statements is not intended as a judgment but to make these considerations visible for those who wish to adopt them or study them.

The ‘Mapping’ of Discourses III: The Process of Examining Translatability

A discussion of alternative discourses is valuable for its attention to specific processes or possibilities of ‘discursive shifts’. The goal is to give alternative discourses analytical ‘air-time’ proposed, but not acted upon, by scholars so far and to discuss the value of doing so.²⁰ A number of characteristics of discourse and tools of discourse analysis can be used in this regard. This builds on the idea, stressed by Laclau and Mouffe, that a discourse even if ‘hegemonic’ is instantly contested and open to challenge and itself develops the questioning of the ability of one discourse to ‘pervade’ society (1985, p. 108, 112; Larsen, 1997b, p. 19).

There are various elements that will be examined. First of all, the issue of change and struggle directs the researcher to examine *traces* that can be seized upon by various actors or that allow for an exchange at the level of discourse. As Diez says, one should

“investigate the rules of its marginalization, to look for traces in current integration debates that would help enhance its status” (Diez, 1999a, p. 368; 1999b, p. 609). They are concepts, articulations or terms whose meaning is compatible with the language of multiple DNPs. Unintended consequences and unforeseen implications of an articulation can then be hypothesized. In the comparative analysis, examination of assumptions and ideas taken for granted is extended to taking account of the *translatability* (Diez, 1999b; 2001) of the alternative discourses to ‘control’, already established as a key discourse in contemporary EU politics. The examination also looks at the *discursive field* around illegal immigration and whether alternative discourses are helped or handicapped by their *overlap* with the governing statements of another discursive nodal point.

Based on the work of Derrida, Diez argues that, “shifts seem more likely if there is a considerable overlap between the rules (and therefore the metanarratives) of the two discourses in question, both in terms of content,... and structure. It is essential to note the extent to which articulations combine linguistic elements in novel ways, or whether they largely reproduce the prevailing rationalities” (1999b, p. 605; see also 1999a, p. 367). The answers to these questions suggest how illegal immigration is developing discursively as well as uncovering the regular themes that come up in articulations of the issue. The ability to move between different rationalities, fields of legitimate understanding and the nature of discursive shifts are all processes that are not understood if one does not map and compare discourses. A cross-discursive comparison offers a novel way for assessing the possibilities or articulations for change. Perhaps it is something within the discursive representation of ‘contending’ discourses that makes them ‘radical’, marginal or perhaps

part of a discursive shift that current studies are unable to pick up or understand given their methodologies.

An analogy can be found in the halls of parliamentary democracy. Alternative discourses can be understood as an *existing* system of knowledge that is the ‘official opposition’. They make their case to take the reigns of power and present their case to voters as alternative forms of government in their policy statements and articulations. They also put a particular spin on the discourse they are in opposition to. Thus they are not necessarily better. Rather, they have their own taken for granted knowledges and assumptions. Of course there is diversity within these groupings as well. In this case the space in between and during elections is a struggle to impose meaning and a discursive battle to win the hearts and minds of people. The paper now examines a ‘governing’ discourse of illegal immigration in Europe.

CHAPTER 2

The ‘Control’ of ‘Illegal’ Immigration

More and more, a discourse analysis is used by academics to observe and critique a contemporary ‘universal’ or ‘hegemonic’ knowledge of political ‘problems’. Much progress has been made by this approach; it provides a sophisticated analysis of the ‘problem’ of immigration in the European Union. However, ‘illegal’ movement has not been a central focus but rather an implicit part of an analysis of immigration. As this chapter proceeds it is made obvious how a more thorough analysis of the discourse of ‘control’ is in fact a prerequisite for answering the next key question this paper answers: what are the alternatives that exist in the public discourse? A politics understood through discursive nodal points must have a full comprehension of the interplay of all key discourses.

The Discourse of ‘Control’ and ‘Illegal’ Immigration

The analysis begins with the presentation of a representation of the ‘illegal’ immigration issue in Europe that is prominent in the public sphere. It is exposed for its roots in a particular language and knowledge rather than any pre-political or objective grand truth. The examination of this discourse is laid out following review of existing research. Explaining how this particular discourse became prominent is not the concern here. Rather the focus is on the questioning of an assumed to be necessary and natural reality and establishment of a foil for comparative discourse analysis. How are immigrants understood as ‘illegal’ in a control discourse? What are the statements and

understandings that are legitimate and resonate? How are policies operationalized? How is debate shaped? How is the 'discursive nodal point' constructed and what is taken for granted? At the most basic level, the analysis examines how illegal immigration is a particular problem in the control discourse to be dealt with by ever increasing levels of restriction.

The Lessons of Discourse Analysis: The 'Securitization' of (Illegal) Immigration

Although a focused discourse analysis of illegal immigration is lacking, studies of immigration 'control' have already set out to question the conclusions and substance of existing discourse. Analysts addressing migration tie together discourse and security and identify the 'securitization' of migration. As Jef Huysmans states, it is a process in which: "the European integration process is implicated... Since the 1980s, the political construction of migration increasingly referred to the destabilizing effects of migration on domestic integration and to the dangers for public order it implied" (2000, p. 762). Together with an understanding of how relevant actors speak about migration it is evidently taken for granted as a security issue.

Previous studies have pointed out that a 'security' or 'control' discourse serves to form a particular knowledge of 'reality' that gives preference to some interpretations, action and policy-makers, such as 'security professionals' (Bigo, 2002, p. 74), over others. Illegal immigration has achieved a relatively stable state and is a concept in relation to which other elements can be defined. As Huysmans states, based on Faist, "At present, migration is a nodal point in the internal security field. It is a key issue which facilitates the connection (among issues)... [and] has become a meta-issue, that is, a phenomenon

that can be referred to as the cause of many problems” (2000, p. 761-2; see also Bigo, 2002, p. 76). Traditional categorizations of migrants are blurred and they are dealt with collectively. They are understood in a specific manner that manufactures binaries and collapses all kinds of problems into the category of the ‘illegal’ immigrant. The ‘official discourse’ produces an understanding of migrants as unwanted, job stealers, parasites, death, disease, worthlessness and threats to identity (Huysmans, 1995, p. 59-61; Bigo, 1998, p. 150).

While it is considered a separate method of understanding IR and EU integration, security studies has made inroads to exemplifying how a ‘security’ or ‘control’ discourse works. It is important to recognize the implications of using this type of language. Labeling an issue as a security issue is a ‘speech-act’ and a *particular* way of framing it. Based on the work of Ole Waever, security is understood as a way of addressing an issue that justifies the use of extraordinary means.²¹ It is a ‘self-referential’ process whereby it is in the practice of securitizing an issue that it becomes a security threat. A key idea to highlight in the context of policy making is the fact the security label is identified as an active choice of the actors involved (Waever, 1996, p. 108). Waever highlights the significance of this stating that: “By treating... immigrants as security problems, these issues are conceptualized in a specific way with connotations drawn from security... a threat against which to defend” (Waever, 1996, p. 106). Both of these tools prove to be useful in understanding the contemporary discourse of migration in the EU. A ‘control’ discourse is at the heart of this knowledge of illegal migrants; it is obvious how it can impact the thought processes of politicians and the possibilities for debate, knowledge and public policy.

The Linguistic Repertoire of Control

Based on existing research of the policy and public articulations of 'illegal' immigration a number of different concepts and meanings that resonate and are 'legitimate' are apparent. These are the 'observed' or 'knowable' articulations that are produced in this discourse and signify the range of metanarratives that are available for actors.²² Otherwise the 'links' between 'illegality' and other elements are not visible or natural. The subsequent sections exemplify the linguistic repertoire at hand in an attempt to fix the 'control' based meaning of 'illegal' immigration. Before examining these 'ingredients' it is useful to draw attention to some specific 'migrant-speak' involved in a control discourse.

Discourse analysis, mindful of the importance of language, takes note of the categorization involved. At a basic level, a category of migrants is branded as 'illegal' or 'unwanted', 'uninvited', 'bogus', 'clandestine' and 'irregular'. Still, a particular meaning is involved with the category of 'illegal' in a control discourse. A 'core opposition' is immediately evident; illegality is a 'negative' product of what is meant by legality in the binary formed in this discourse. Another pair of concepts that are rooted in and substantiate a discourse of 'illegality' can be understood as the opposing conceptualizations of European governance in the field of immigration policy. They are 'Fortress Europe' and 'Sieve Europe' often associated with the concept of 'Schengenland'.²³ Another key articulation in the European context is the, "area of freedom, security and justice" that characterizes issues in the realm of Justice and Home

Affairs, including illegal immigration. These are but the most common and important concepts that are part of the discursive environment of the EU.

The Discursive Ingredients of Control and the ‘Illegalisation’ of Migration

The 'next step' is to uncover the metanarratives of the ‘control’ discourse and the legitimating criteria that bring them together. 'How' illegal immigration is given meaning in the EU and the image of an ‘illegal’ in Europe can then be analyzed. While discourse analysis has recognized that a 'security' metanarrative is a predominant one, it must be determined how exactly such a discourse is formed. Contrary to many mainstream studies of the problem of (illegal) immigration in Europe, the causes and policy responses cannot be attributed to a single factor in a cause – effect relationship. Nor is a lone metanarrative at work. Rather it involves a “deployment of a corpus of rhetorical arguments” (Ceyhan and Tsoukala, 2002, p. 23). Under the umbrella of ‘control’ diverse combinations of discursive links are available. The following highlights seven such metanarratives or themes.²⁴

Crime, Threat and Security

There is little doubt that a security metanarrative helps to delineate the image of illegal immigration in the discourse of ‘control’. As Spanish Prime Minister Aznar said at the EU’s June 2002 Seville Summit, “immigration-related issues have increasingly become... associated with questions of security which our citizens expect Europe to answer” (Black and Watt, 21 June 2002). This enables politicians to put ‘illegal’ immigrants into “one basket” (Huysmans, 1995, p. 53) with ‘security’ and ‘law and order’

problems such as cross-border crime, drugs and smuggling networks (Bigo, 1998; den Boer, 1995). In a recent report on illegal immigration, the European Commission highlighted that “in most cases, organized criminal networks operating at the international level” are behind the issue (Commission, 2001c, p. 6). Accordingly, illegal immigration is a sign of or is itself criminal activity.

The concept of ‘sieve Europe’ and the restrictive policies in reaction resonate with politicians and the public who know this category of migrants not simply as ‘illegal’ but dangerous (Huysmans, 2000, p.754; 1995, p. 60; Bigo 2002, p. 70-1). The crossing of a border in an illegal fashion is linked to these crimes politically and discursively. Den Boer, for example (1995, p. 99), refers to the criminalisation of the illegal migrant, asylum seeker and the immigrant population while Ceyhan and Tsoukala outline the “criminal migrant” thesis (2002, p. 25).²⁵ These two implications of the control discourse are closely related to another, the transformation of the issue of illegal immigration. Den Boer has done well to capture the implications of the particular discursive association acting in Europe: “the equation... of blacks with crime and drugs and terrorism, and all of that with illegal immigration... has spread across Europe, so that it now forms the basis for the new European State” (Den Boer, 1995, p. 96). Illegals are understood in a specific manner that manufactures binaries and amplifies criminality and otherness relative to other migrants and EU nationals.

The ‘Homogenous Society’: Political Identity, Cultural Anxiety and Racism

One of the most important metanarratives that is often part of a ‘control’ discourse is the ‘society’ metanarrative addressing issues of political identity. There are

many concepts and possibilities that would make no sense without the distinctive insertion of this metanarrative. These include statements such as those by European Commission President Romano Prodi that better *control* of illegals is key to *integrating* 'legals'. As he states, "... in the eyes of most of our citizens, immigration is becoming increasingly linked with the issue of their protection... discussions now underway on legal immigration... could break down if we do not take on board our fellow citizens worries about illegal immigration... we must lay the foundations for the full integration ... of lawful immigrants" (13 June 2002). Again, the illegal immigrant population is to blame for political problems. They are types of immigrants who do not integrate by virtue of their illegal entry and ignorance of societal control mechanisms. Hence the need for a 'pre-emptive strike' in the form of increased and more 'sophisticated' control measures.

This metanarrative also enables 'liberal democracies' in Europe to justify restriction based on the fear of the far right. In the build-up to the June 2002 Seville European Council, the *Daily Telegraph* reported that, "European leaders were... locked in tense negotiations over how to stem the flow of illegal immigrants and asylum seekers in an attempt to halt the rise of far-Right parties across the EU" (Jones and Evans-Pritchard, 22 June 2002). Centrist politicians can claim that policies of integration and exclusion are aimed at maintaining the social stability necessary to prevent xenophobia and far-right parties from taking hold of domestic and European politics. Based on the legitimating criteria of anti-'illegal' discourse, the mainstream parties who adopt policies similar to Le Pen and Fortuyn are reified as protectors of national sovereignty, angels of social harmony, and *defenders* of existing liberal democracy and 'multiculturalism' because

they fight illegal immigration. Den Boer asserts that, “this ideological construction transforms the image of the government into an anti-racist and sacrosanct... [the] responsibility for evil action (racism) is transferred to different actions, and the role of government is pictured as that of the guardian angel of national security...” (1995, p. 97). Illegal immigrants and the inability to integrate them are blamed for social disorder, especially the rise of populist parties, and the threatened acceptance of the legal population of immigrants.

Compensatory Measures and the Common Market

Another metanarrative contributes a particular structure of meaning around economics and markets. Academics and politicians often cite the Single European Act of 1985 and the drive towards a common market as the birth of illegal migration as a European issue and prompts for ‘compensatory measures’ (see, Huysmans, 2000). These claims surely would make no sense without the particular structuration of meaning by a single market metanarrative. Essentially, “the prior desire of the governments to reduce immigration and the convenience of legitimating such a policy by reference to the ‘need’ imposed by the Single Market are important elements of a fuller explanation” (Overbeek, 1995, p. 30). Single Market articulations are often linked, based on the particular rules of discourse, to the issues of society and security mentioned above. Because the fifteen member states are eliminating internal borders while welcoming poorer states from Central and Eastern Europe, illegal *and dangerous* immigrants would be free to ‘roam Europe’ once they get in; they are a threat to society and to the new burgeoning EU way

of life that is set to prosper. The EU must do everything it can to address the 'uncertainty' (Bigo, 1998, p. 153-5; Huysmans, 2000, p. 758-60).

In terms of immigration, the single market metanarrative and linkage with others suggest that the market can be a basis for the governance of immigration based on new 'partial' criminalisation or law based 'protectionism'. These "... official discourses emphasize that the full benefits of an area of freedom will never be enjoyed unless they are exercised in an area where people can feel safe" (Kostakopoulou, 2000, p. 507). The European Commission writes that, "citizens of the European Union ... expect to live without fear of persecution or violence wherever they may be within the EU's territory... In order to eliminate internal border controls without lessening the level of security, it is necessary to put into place... 'compensatory measures'" (2001b, p. 1, 8). The single market is protected by keeping illegals out and two seemingly contrary ethics are legitimately applied in tandem. As den Boer says of this contingent link, "despite their apparent contrast, one could consider the liberty-inspired internal market and the control-inspired Schengen Agreement as outgrowths of the same ideology" (1995, p. 95).²⁶ The enabling practices and resonating discourses are clearly rooted, in part, in the notion of 'compensatory measures'. Often, this metanarrative is linked to a particular discursive construction of the 'border'.

Borders and the Area of Freedom, Security and Justice

A particular understanding of 'borders' and their role as a 'solution' to the 'illegal' *immigration* problem is evident. As Anderson states, "the 'frontier' is a term of discourse in law, diplomacy and politics and its meaning varies depending on the context in which

it is used... the layers of discourse... are an integral part of frontiers as processes” (1998, p.5). In a discourse of ‘control’, how are frontiers and borders discursively linked to ‘illegal’ immigrants? Bigo (1998) and others have noted that current migration policies define ‘unrecorded’ migration as something solvable by stricter borders and tougher laws that legalize and deter more people.

Surrounded by tension and uncertainty, border ‘weaknesses’ are linked in a negative way with those immigrants who do not follow regular procedure to get in. Jack Straw, the then British Foreign Secretary, said in the lead up to Seville that “We have to reduce the number of illegals seeking to come to Europe... we need a common asylum policy, a stronger external border for the EU” (*The Guardian*, 18 June 2002). The buttressing of external borders, itself a legitimate source of illegality, is understood as a solution to illegal immigration. This discourse associates the presence of weak borders, that can and need be reinforced, with illegal movement. As den Boer (1995, p. 94) emphasizes, such articulations, “to a certain extent hypothesize the relation between ‘open borders’ and ‘(illegal) immigration’”. Tied together with the issue of the single market, “this popular philosophy has coincided with the uncritical assumption that the old internal border controls have acted as an efficient instrument against illegal immigration” (den Boer, 1995, p. 94). She adds that EU policy is based on the “unsubstantiated belief that the borderless internal market will be ‘swamped’ by asylum-seekers and illegal immigrants unless emergency measures are introduced” (den Boer, 1995, p. 94). It makes sense to focus on movements across borders and to expect results.

Sovereignty, The Loss of Control and ‘Mocking’ Migrants

Given that policy making around illegal immigration continues to be made predominantly by Member States, it is no surprise, especially in a control discourse, that illegal immigration and control is linked discursively to issues of sovereignty. Debate about immigration in general is often framed as a ‘sensitive’ issue given the association of ‘control of entry’ with the sovereignty of nation-states. In Chapter 1, it was outlined that a focus on interests and intergovernmentalism is a typical end point in explanations of the issue (see, Brochman and Hammar, 1999, p. 82).²⁷ A discourse analysis looks at the specific articulations of intergovernmentalism and the rationalization and legitimation behind it.

Certainly, the control discourse brings into play particular meanings of the ‘nation-state’ and problems that are most threatening to it (Bigo, 1998, p. 154). Illegal immigrants are represented as the ‘enemy’ of the nation-state and popular sovereignty; they also signify a *reversible* and undesirable loss of control. The result is, as Bigo argues, “in an illegal situation, the immigrant becomes, for the politician... the personal enemy” (2002, p. 70). Since illegal immigrants are in turn defined as a controllable threat to the borders and sovereignty of nation-states, their arrival prompts claims of defiance, insurgency and deviance. ‘Bogus’ and ‘false’ asylum seekers are also conflated with illegal migrants. Since the latter are security risks, the asylum seeker is a risk as well. The process is the same for migrants who are guilty by association with asylum seekers and smuggled migrants, terrorists and drug traffickers (den Boer, 1995, p. 98, 100). This impact on image of the ‘illegal’ and other categories of migrant is even more evident when the problematic of the welfare state is invoked.

The Welfare State and Unemployment

The discourse of control often connects illegal immigration to problems of the welfare state. The clandestine migrant is someone who is not in genuine need or is sneaking in to leech off an unsuspecting public (see, Huysmans, 2000, p. 767-70). An example of the articulation of the discourse comes in the form of issue linkage of immigration and asylum and in turn with 'abuse' of the welfare state. Hence the distinction between 'genuine' and 'bogus' asylum seekers, and other representations of 'illegals' as 'manifestly unfounded,' 'false claims,' and 'asylum shoppers' seeking the best deal (Kaye, 1998; *The Economist*, 6 May 2000a, p. 20). The EU is a 'magnet' for illegals seeking an easy way to a better life and state benefits (Ceyhan and Tsoukala, 2002, p. 34).

Aside from their illegitimacy, they are also 'overflow' in an already burdened welfare state and asylum system. This brings into play dominant understandings and meanings of citizenship or 'membership'. There are national citizenship laws to follow as well as laws concerning entry into a welfare system. All told particular articulations that enhance and enable the resonance of making a particular group of migrants illegal are important. The nation-state discourse and its rationalization of 'welfare chauvinism' (Huysmans, 2000, p. 768) frames the debate of a common immigration policy for the EU. Even the ETUC, a body bringing together the EU's trade unions, "believes that using foreign labour makes no sense if there are already out of work people" (October 2001). Illegal immigrants become a part of the 'struggle for the welfare state', and the problem of unemployment, which in turn is part of the 'struggle over immigration' that 'feeds into wider politics of belonging' (Huysmans, 2000, p. 767; 1995, p. 71). 'Nation-

state' concepts and rationalizations give purpose to EU policies and make the immigration issue governable as an international common struggle. The utility of the EU is derived from the support of *each individual* Member State in sustaining welfare provision for EU citizens.

The 'War Against Terror': Illegal Immigrants as Terrorists

More recently, another link to the 'discursive nodal point' of illegal immigration has gained in prominence and attention. The events of September 11th and discourses around terrorism link the illegal immigrant to (possible) terror attacks. It is assumed that illegals are the threats embodied in the hijackers. For example, in one of two Commission documents released after the attacks, it is argued that the post-September 11th dialogue, "requires close cooperation on the cross-border dimension of issues such as the fight against organized crime [and] illegal immigration ..." (cited in HRW, 13 April 2002). As *Human Rights Watch* notes, "in the immediate aftermath of September 11th, Spanish authorities openly equated the fight against illegal immigration with the war against terrorism... this public declaration set the stage for many EU member states... to fall back on the historic 'Fortress Europe' stance" (13 April 2002). Stopping illegals is the equivalent of stopping terrorists. It is ignored that none of the 9-11 attackers were 'illegals' in terms of crossing the border without authorization. In general it is more often the case that legals 'overstay' (see Bigo, 1998, p. 152). The EU's reaction is an obvious example of this discursive and political link that is not necessarily the case. The attacks fit perfectly into a discourse of control and xenophobia. Immediately after the attacks, discussions and policy discussions surrounded the issue of how free movement

and civil liberties were a hindrance to the war on terrorism and the fight against illegal immigration. September 11th developed into a justification for continued restriction and it is obvious that with it, the relationship between terrorism and other metanarratives in the DNP of 'illegal' immigration was enhanced.

'Illegal' Immigration Policy: The Articulation and Operationalization of 'Control'

Post-modernism questions the notion of exogenous and universal interests. Instead, discourse analysts understand that 'policy practice' is in fact embedded in a particular discourse. This involves an examination of the 'operationalization' of policy and how this 'reproduces' discourse (Milliken, 1999, p. 240-1).²⁸ In this way it is important to examine the link between discursive representation and the legitimacy of policy. In the case of the discourse of control and its emphasis on security, it can be argued that the "securitization of immigration is the result and not the cause of the development of technologies of control and surveillance" (Bigo, 2002, p. 73). The remainder of this section highlights how the control discourse enables a particular operationalization of migration policy and 'security professionals' to claim legitimate action (see Bigo, 1998; 2002).²⁹

Aside from the more obvious calls for stronger borders and increased restriction on illegal immigrants, there are a number of other policy practices that must be contextualized within the control discourse. A series of 'inevitable policy responses' and mobilization of particular institutions is evident (Huysmans, 1995, p. 757). In fact, the 'illegal' or 'clandestine' migrant is made visible as a deviant category through this discourse. One way is with a policy of 'surveillance'. For example, illegals are exposed

by increased border checks, fingerprinting (Schengen Identification System), identity cards, and new statistical data enabled by this discourse.³⁰ The *Telegraph* reports that an EU surveillance plan, “was taken up after Italy unveiled the results of a detailed feasibility study drawn up over eight months. At its centre were the remarkable results of a 15-day trial... during which guards from all 15 member states joined forces to patrol borders... including 24 airports... [and] succeeded in stopping 4,500 illegal immigrants...” (Elliot, 23 June 2002). The EU level is then regarded in this discourse as a means to harmonize justice and police departments (den Boer, 1995, p. 108). Statistical accuracy is difficult based on the unrecorded nature of illegal immigration. Still, statistics are validated and discursively linked to the need for control based on the existence of a *threatening* category of ‘illegals’ who require the attention of security agencies in the first place. This includes ‘flying squads’ or, in the case of the Netherlands, the ‘MTV’ (mobile surveillance of foreigners), involving mobile and random internal checks for illegals.

The next set of policy articulations includes both ‘exclusion’ and ‘expulsion’. The 1998 ‘Linking Act’ in the Netherlands and the recent change in the British immigration and asylum law endeavour to exclude illegals from the welfare state. Meanwhile ‘detention centres’ and ‘border prisons’ like Sangatte in France are built in order to house this category of migrant as the numbers increase and the checks become more ‘successful’. It is also a matter of urgency that deportations be ‘sped up’ and ‘immediate’ especially for bogus asylum seekers attempting to get into the EU and burden the state ‘without justification’ (Jones, 21 May 2002).

Such policy articulation and operationalization is evident in the Commission’s communication on a ‘*Common Policy on Illegal Immigration*’ and preparations for the Seville

Summit. Five key proposals were cited as the options for the member states in determining the direction of their fight against illegal immigration. They include a multi-national border guard, increased surveillance at sea-borders, economic pressure on third countries, readmission agreements and a visa database (Euractiv.com; Commission, 2001c). A leaked Downing Street memo even proposed the deployment of the Royal Navy into the Mediterranean (Black and Watt, 21 June 2002). Another overarching goal was to reduce asylum claims.

Assumptions, Taken For Granted Facts and Marginalization

The discussion of possible clusters of meaning in the control discourse prompts the evaluation of the assumptions of 'control'. Based on an analysis of the possible ways of speaking about 'illegality' in a negative fashion, a particular set of assumptions is suggested. Overall, a key premise is that illegals are a threat based on their status. A series of other assumptions follow. They include the ability and duty of governments to control the entry of immigrants into their territory, ulterior motives of 'asylum seekers' and 'refugees', function of borders in relation to illegality, social drains of illegals on the welfare state and impact on the integration of legal migrants.³¹ Illegals steal jobs and work at poor salaries. Furthermore, it is assumed that Europe is full, demographically and in terms of labour markets.

As this discussion will show, the facts do not always match the reality constructed by a particular discourse. In the least, these notions must be challenged. As Den Boer states, the policy of fighting 'bogus' asylum seekers "rests on the assumption that immigration officials are able to draw a fine line between economic migrants and

refugees, whereas in reality this distinction may be blurred” (1995, p. 100; see also King, 2002). In essence the lack of documents or irregular crossing of a border is linked to negative images as part of a discourse based assumptions.

These taken for granted facts lead to an obvious process of marginalization. While such a process will be elaborated on in the context of counter-discourses, the basic elements will now be outlined. We must recall that illegal immigration was identified as an issue particularly appropriate for discourse analysis given the importance of emotive rhetoric. It is evident that a ‘control’ discourse crowds out alternative methods of thinking and acting. Certainly, because migrants enter without documents or do so without going through the usual procedures does not inevitably lead to their consideration as ‘criminals’, ‘threats’ or ‘welfare abusers’ without the connections listed above. Rather, the rules of marginalization and specific understanding of illegal migrants are crucial. Bigo makes explicit the impact of this marginalization commenting that, “the drive to close frontiers closes minds... criminalizes immigrants and makes immigration a problem of security” (1998, p.154).³² The ideas and knowledge of illegal migration create a particular preference structure for relevant policy actors, as “the discourse frames the key question about the future of the political community as one of a choice for or against the migrant. But it is not a free choice because a choice for migration is represented as a choice against the... political community” (Huysmans, 2000, p. 758). Reporting on a Moroccan hunger strike by undocumented migrants, for example, a BBC article questions “what (earthly) reason would the Spanish have for issuing them with papers, least of all with Western Europe’s politicians in full tilt against the scourge of illegal immigration” (*BBC Online*, 22 June 2002). Kostakopoulou questions why “the inclusion

of immigration and asylum [with drug trafficking and organized crime] did not give rise to concerns..." (2000, p. 506). It is not surprising in such a discursive context that the 'communitarization' of immigration policy in the Treaty of Amsterdam does not necessarily lead to a different 'treatment' of illegal immigration (ie. role for the European Court of Justice).

A related issue is that the control discourse enables illegal immigration to be understood as a 'new' problem as part of 'new' immigration (Koser and Lutz, 1998, p. 6). Den Boer contends that, "the 'internal-security-gap' ideology ignores the lack of substantial evidence about the effectiveness of border controls against crime and illegal immigration, and injects a belief into the public that international crime and illegal immigration are new phenomena reinforced by the abolition of internal border controls" (1995, p. 97). An implication related to the rhetoric of nation-state politicians, is the 'ratcheting up' effect (Geddes, 2000, p. 22, 26). The migrant is known as a destabilizing threat and presented as such to the electorate be it for political gain or because that is how many people and politicians know the issue. Still, given the failure of such policies to accomplish their goals, the population seeks stricter measures and the politicians execute even more draconian policies and rhetoric towards migrants. The actual novelty of flows of unrecorded people or historical perspective of statistics are not up for discussion in a rationalist overview of the problem. These flows are different because they are hazardous.

Others have noted that different conclusions can be made. Numerous questions are prompted by an examination of the discourse's metanarratives, legitimating criteria and assumptions. Some note the increasing scepticism about the strength and role of

borders in the post-Cold War era (Bigo, 1998; King, 2002). Also, Silverman highlights the contradictions of a multicultural discourse co-existing with blatantly racist policies (1992, p. 79-80). Additionally, one can question the notion that the 'mainstream' is protecting liberal democracy by essentially hijacking or adopting the language of the Far Right political parties which they fear.³³ Discourse analysts have emphasized that the assumptions of the control discourse must be challenged in the post-modern framework rejecting a grand theory.

The discussion now turns to filling in the remaining gaps of current academic research. Crucially, the following does so while bringing 'unseen' discourses into focus and elaborating on how the legitimization criteria bring specific structured meanings of metanarratives into play. One key observation is that, "at the moment it is difficult to see [an alternative] policy *returning*, but... why not?" (Convey and Kupiszewski, 1996, p. 959; emphasis added). A thorough analysis can help to answer this question by discussing the existence and possibilities of alternatives in the context of the structure and opportunities of DNPs. Before leaping to other disciplines or returning to orthodox 'political science' approaches, the dynamics of alternative discourses requires analysis. Given that the political consequences are enabled by a particular discourse it is fruitful to discuss alternatives and examine the possibilities that already exist in the public sphere. Most importantly the 'open ends' of this discourse have yet to be explored. As Huysmans suggests, "if one agrees that securitizing migration is undesirable, the next question is: what strategies can be performed if one desires to desecuritize...?" (1995, p. 65).

CHAPTER 3

Alternative and Contending Discourses

In the third chapter of this paper I want to take up the progress made by analyses of the prominent 'control' discourse and widen the examination to the range of alternative discourses available and existing in Europe. Now that a dominant discourse and its concomitant knowledge and policy implications have been identified, an understanding of alternatives is provided through assessment and comparison. This section will outline how 'illegal' immigration is and has been represented in diverse ways according to different discursive contexts and DNP formations. It presents and deconstructs the essence of the language involved.

Discourse theory is useful for showing how alternatives not only exist but how, discursively, they 'fail to enter the discussion' of an issue. It also concerns an analysis of how the dynamics of one discourse help or hinder its translatability with others. Based on current assumptions rooted in a particular discourse, marginalized and historical discourses 'fall out of sight'. Collinson notes, a contemporary discourse has the ability to "wipe-out most previous migration from the collective memory" (1993, p. 18). A discursive guide to alternative representations of illegal immigration provides a valuable tool that contests a single truth and linear trend of policy development. The European Union may pass as an entity wedded to the notion of an enduring fight against illegal immigration and the construction of a 'fortress'. However the post-modern approach of this paper challenges such a view.

Two discourses that relate to the category of 'illegal' immigrant come to mind. One is the discourse of 'free markets' linked to the thinking of neo-liberalism. The other is 'cosmopolitan' including human rights, anti-border, pro-immigrant and anti-racist metanarratives. Again they are existing, transnational alternative discourses to the anti-immigrant articulations that have already been addressed. In this chapter I present these two alternative discourses and ask a common series of questions that help to put them as well as the 'control' discourse into perspective within a spectrum of possible visions of the 'illegal' immigrant. The first asks how these representations are constructed and what alternative images are created. Next, the assumptions of these discourses and what is ignored are discussed. Then the process of marginalization is presented along with what can be learned by playing discourses off each other. Each section concludes with a discussion of how they are working to create dissent or opposition from a discursive perspective, the traces present in the public sphere and possibilities for change. Both parts of this chapter help to paint a better picture of EU governance of an issue like illegal immigration. Who is taking up the alternatives and more importantly what they suggest about the EU debate is an as yet untouched area for study. I outline how alternative discourses exist and work and conclude that their discursive structures overlap in such a way as to suggest a potential discursive shift. A comparison of 'control' with other discourses completes an assault on 'truth' by demonstrating plausible alternatives.

PART I

*The Discourse of Markets:**Regulation, Management and the Economics of 'Illegality'*

The discourse of the Single market is a crucial part of representations of EU governance. In its treaties and through articulations of various economic projects the EU has and is making efforts to reduce barriers to the free flow of the units of production. This is nowhere more evident than in the 'four-freedoms' of movement as well as the development of the Euro. The important aspect of EU discourse in regard to migration is the belief in the 'free movement of persons' in an 'area of freedom, security and justice'. Still, 'control' discourses represent illegal immigration as a threat to society and order rather than as a symptom of the mismanagement of economic migration and labour markets. We noticed that where the single market does come into play it is in the form of 'compensatory measures' and an apparent 'paradox' or 'dilemma' of liberal democracies as they debate open borders. It is imperative to ask how this is opposed by another discourse dealt with in this paper, the 'free-market' discourse.

Before delving into issues of comparison it is important to get a better idea of the basic free market image or representation of immigration and how the issue is, discursively, made 'governable' by economic liberals. As Collinson puts it, "... it is worth noting that 'economic' migration in the narrow sense is, in essence, an expression of market forces. Classical liberal economic theory supports free movement, on the basis that markets function most effectively... Recognition of the economic value of free movement was expressed in the EEC Treaty of Rome"(1994, p. 121).³⁴ It is only

surprising to one caught up in the control discourse to find that free migration is associable with the economic goals of the EU and that *economic* migration is a suitable part of the creation of a single marketplace and liberal society. Thus we have an ‘illegal’ immigration discourse whose nodal point is centred on particular notions of ‘free markets’ ‘free movement’ and liberalism, especially in the context of the labour market. Still, there are many possible ways to articulate and link liberalism to DNPs like ‘illegal’ immigration. Thus, the particular free market representation of the illegal immigrant in the EU must be laid out.

The Discursive Ingredients of Free Market ‘Illegality’

The evidence uncovered by research for this paper demonstrates that the liberal media, represented by *The Economist*, the European Commission and key economic ‘interests’ actively struggle to fix a ‘market’ representation of the ‘illegal’ immigrant. In the following section contemporary examples of the free market discourse are brought into play in order to empirically draw out the alternatives that have been downplayed in examinations of the issue of immigration in the European setting. There are three metanarratives or themes, along with their legitimating criteria, that I wish to highlight. They demonstrate how a discourse of free markets draws on various metanarratives to form a different and contending representation of the ‘illegal’ immigrant.

Demographics and Labour Markets

To begin with liberal, free-market discourses of ‘illegal’ immigration focus on two key topics, labour markets and demographics. This aspect deals with a discursive

construction of the ‘problem’ that the group of migrants known as ‘illegal’ are involved in but not necessarily the cause of. The discourse links ‘illegal’ immigration, among other aspects of movement, to concerns that the EU is not meeting demographic and labour market requirements. In articulations about illegals and mobility, the stress is on a problem that is much different from one associated with an invasion of deviant job stealers. This discourse links the problem to systemic migration policy and infrastructure concerns as opposed to ‘illegal’ migrants as such. Demographic trends and labour market dynamics of the EU member states are the key legitimating criteria for developing a common policy; the debate about priorities and manner of dealing with ‘illegality’ is filtered through this criteria. As a leading business magazine stresses, “the alarmist rhetoric... is also being countered by another view, that Europe needs immigrants to ensure its future growth” (*Business Week*, 2000, p. 68). The debate about economic migration usurps a focus on the negative consequences of illegality.

Within such a discursive formation, ‘illegal’ immigrants are not something to be feared outright but rather plugged into a different economic and demographic calculus. Migrants are focused on for their economic qualities; ‘illegal’ immigration is not prioritized. UNICE, a transnational lobbying and negotiation body for European employers says that, “whereas discussion of political migration should be taken on humanitarian grounds, discussions on economic migration should be taken on the basis of labour market needs” (19 October 2001). In fact UNICE replies to Commission initiatives are saturated with discussion of how immigration should be an issue of labour markets in first instance. UNICE also points to *unfair* labour market competition resulting from an underground economy employing illegals (13 June 2001). In this

sense, it is the existence of the black market that is a “competitive distortion” (Commission, 2001c, p.6) to the natural running of the free market rather than illegal immigration. The lack of legal channels of migration is problematized.

Jan Niessen puts such a discourse in perspective. He argues that, “immigration policies should be proactive and designed to meet economic and demographic projections... In an almost borderless economy, actors must be able to move from one country to another without unnecessary obstacles...” (2001, p. 424). The full importance of this will be better understood when looking more specifically at the reformed image of the ‘illegal’ in this discourse. Suffice to say at this point that the threat frame is not given prominence. The problem is redefined in such a way as to reduce the stress on ‘controlling’ or fighting illegal immigration and focus on the globalization and proper functioning of the world economy and labour markets.

While demographics and labour market trends are the legitimate grounds for developing policy towards immigration, such a discourse implicitly and as we shall see often explicitly changes the representation of action against ‘illegal’ immigrants. The idea is that the fight against clandestine immigration may in fact be counter-productive and that reduced opportunities for legal immigration should be considered as the problem. As UNICE states, “it insists that such a policy [combating illegal immigration and exploitation] must be based on a thorough analysis of the skills gap and the long-term need for labour in an enlarged EU with increased international labour migration” (13 June 2001).³⁵ They are now part of an economic *solution* or ‘remedy’ (MPG, April 2002, p. 4) to Europe’s emerging demographic and economic quagmire. What this enables is a notion that the fight against illegal immigration has ignored the consequences of such a

policy to the real problem: the impact of restrictive policy on the competitiveness and growth of the EU economy. Not only is illegal immigration downgraded as a priority demanding immediate restrictive action, but ‘illegals’ are represented as a possible solution to key economic problems despite their categorical status.

It is significant that security concerns are delinked from matters of migration. As a Migration Policy Group policy paper reiterates, “migration must be relinked to the debates on the economic integration of the EU” (MPG, April 2002, p. 5). Niessen stresses that “it is extraordinary that governments and employment ministries in particular do not place more emphasis on the connections between demographic development and labour market requirements” (2001, p. 432). This key focus on new criteria for immigration has an impact on other aspects of representations of ‘illegal’ immigration, especially, as we shall see, the image of the ‘illegal’ immigrant and first, the political approach to addressing issues of mobility.

The Management and Regulation of (Illegal) Immigration

This theme deals more directly with the general framework of engaging and envisioning (illegal) immigration in the context of the redefinition of the problem cited above. Replacing a frame of ‘restriction’, stronger borders and determination to ‘fight’ the scourge of illegals is one based the terms typically associated with the free market governance of services, capital and goods. At a basic level the movement of people is relinked to the other ‘four freedoms’. As Niessen maintains, the “European program, running in parallel with a similar global program under the various WTO agreements, rightly combines the freedom of movement of persons with that of goods, services and

capital. People move just as and often together [with them]" (2001, p. 420). The vision is of a 'porous' border for trade and especially the '*flows*' of economic labourers moving in to fill the necessary positions, skilled *and/or* unskilled, EU workers are *unable or unwilling* to fill (*The Economist*, 6 May 2000a, p. 20; Commission, 2001c, p.6).

Also important in many articulations of the free market discourse is a liberal notion of 'globalisation', especially when referring to labour markets. Niessen affirms that the "global economy transcends borders" and that the trend in international trade agreements is towards labour market liberalisation (2001, p. 18; see also Overbeek, 1995). The mobility across EU frontiers is made legitimate in terms of its contribution to the growth and competitiveness of the EU and resonance with liberalized understandings of international economics. The image of the EU is of a space where migrants come and go, a 'European marketplace' in which labourers fill in where necessary and return home when the job is done. In the liberal view, the EU is a true market place where workers and consumers come and go as they wish: "They shuffle back and forth across an EU border... They may work in the EU for only a few weeks at a time... "Home" is still outside the EU perimeter" (*The Economist*, 6 May 2000b, p. 26).³⁶ Treatment of the issue takes on the language of free-markets in many ways. Of course even when dealing with capital, governments still regulate but the emphasis is on 'tolerance' of irregularities rather than control given the nature and priority of the illegal immigrant in economic discourses.

In this sense, unnecessary controls hinder the efficient and most productive functioning of the market. In an interview, Dutch professor Ed Lof describes, "the illegal circuit mostly as an expression of the discrepancy between national, restrictive

migration regimes and the factual development of a globally intertwined and flexible labour market” (cited in *Autonomo Centrum*). Protectionist language is taboo when it comes to free movement across frontiers.

Thus, the free-market discourse has a particular vision of how movements of people operate and are important in world affairs. How then do free marketers couch *any* of the units of production in free trade? They bring in a discourse of ‘management’, regulation and limited rules and government. UNICE, “strongly condemns the economic exploitation of illegal immigration and believes that it is in the interests of both European citizens and immigrants.... that migration flows are managed in a properly organized framework... purely national powers are no longer sufficient” (13 June 2001).³⁷ JHA Commissioner Antonio Vitorino ties this to the need for migrants stating that, “Europe needs immigrants. In this context our objective is not the quantitative increase in migration flows but better management in qualitative terms so as to realize the potential of immigrants admitted” (9 July 2001). As with any of these factors, especially capital, their flows must be ‘regulated’ as flexible units and assessed based on the needs of business, growth and prosperity. He concludes that the EU’s problem is “how to manage migration so as to achieve orderly movements of people” (16 October 2001). The notion of control and restriction is replaced by one of economic pragmatism and free market forces.

It is important to note who or what is illegal in these discourses and meanings attached. Illegality is not a natural concern in free market discourses of movement. Rather the focus is on “patterns of mobility”, laissez-faire visions of movement and “moving on, going back as the situation develops” (Commission, 2001a, p.8) forming a

kind of natural, organic order. ‘Illegals’, in the purely technical sense of the word, are not necessarily represented as a threat. They are something to be harnessed and allocated to their proper position in the economy. The recognition and rejection of *illegal* labour markets by some liberal articulations focus on skewing of markets and unfairness in terms of labour market competition (Vitorino, 16 October 2001). Niessen discusses ‘regularisation’ in the sense of a sign or a flaw in the management of the free flow of people (2000, p. 8). In this manner more legal channels must be opened with a direct bearing on how illegal immigration is represented, as a sign of poor economic policy rather than a threat to an existing wise policy (Commission, 2001a, p. 3).

The Economic Utility of Illegality

This third theme picks up on the others by defining the criteria used to determine the significance of ‘illegality’ and whether ‘illegals’ are a threat at all. Based on the new articulations of immigration the location and level of the burden of proof in this discourse is much different than the one established by ‘control’ criteria. The concept of illegality is (re)represented as a symptom of a systemic migration management problem and its orderly regulation as a solution to economic and free trade needs. As a result it is possible to understand that negativity is defined based on a different ‘threshold’. Factors such as ‘remittances’, ‘brain drain’, ‘business links’ and ‘labour surplus’ are the more likely foci of debate than criminal and society issues. With emphasis on regulation not control, different definitions of needs, tolerance and capacities are formed.

The question becomes: why put up obstacles when it is in the interest of European economies to be flexible and manage migrants into proper channels? Relinked

to liberalism, any questions of making mobility illegal or focusing on controls hint at protectionism which is a fear that overrides even nationalist concerns:

there are more *man made* obstacles to free movement than at almost any time in history. Man is born free but too often finds his path blocked by his fellow man. In an age of globalization with ever freer movement of goods, services and capital, denial of such freedom to labour seems increasingly perverse (Niessen, 2000, p. 5).

For those economic migrants forced into illegal channels, the questions that can legitimately be asked by governments involve the economic impact of ‘illegals’:

Now that the debate on the immigration policies of OECD countries has turned its attention towards illegal migrants, policy makers should be particularly careful. For rather than concentrate on the status of illegality itself and the physical controls that might be adopted to regulate undocumented migrants, it makes sense to take a hard look at the real economic implications of clandestine migration. Does illegal immigration help the underground economy? Who really benefits from the employment of undocumented migrants? And to what extent does their employment affect the recruitment and wages of nationals? (Tapinos, 24 February 2000).

In terms of the free-market discourse, Tapinos adds that, “the questions of competition in the labour market has to be linked with the social cost of illegal immigration. In the fiscal context, undocumented workers and their families cannot be said to be a drain on national budgets, on the contrary... nor can illegal immigration be held accountable for all the costs associated with controlling borders” (24 February 2000). The economic calculation of the problem of immigration, ‘illegals’ can be associated with ‘positive’ answers to economic questions; they are not dismissed as a burden outright. The impact on the debate around illegal immigration is evident. The ‘nexus’ is redefined as being for or against economic growth.

Furthermore, their presence, while it can be undesirable, is more often linked to the benefits of opening more legal channels (see, Commission, 2001a, p.13) since the fault is with systems of restriction and their implications on public perception rather than the migrants themselves. *The Economist* view highlights the presence of competing discourses. It observes that:

... the European popular imagination... is gripped by panic about foreigners... [that] there is certainly no need for any more... *Contrast that view... with some rather different observations...* the continent's workforce is in need of renewal... How can Europe reconcile its economic need for more migrants with its apparent political distaste for them? (emphasis added, *The Economist*, 6 May 2000a, p. 20).

Its reporting on the issue is framed in the sense of challenging the logic of the assumptions and fears of 'control' discourse. It is evident that many are taking up this discourse in their articulations that focus on the need to create a 'revolving door' for labour and assess movement in terms of patterns and flows rather than invasions and hordes.

While seeking to maximize the advantages of free movement rather than emphasize the requirements of controlling 'illegal' elements, many articulations qualify a utilitarian calculation in terms of 'tolerating' illegal and irregular movement as long as freer movement increases productivity and competitiveness.³⁸ A related issue is the acceptance of 'risk' associated with open borders. In the context of its free movement viewpoint *The Economist* states, "it may be, they say, that today's image of Fortress Europe deters some of tomorrow's would be migrants, and that a more liberal system to admit outsiders would only encourage yet others to slip in on the quiet. If so, however, it is a risk that Europe should be ready to take" (*The Economist*, 6 May 2000a, p. 20).

Given the overwhelming needs of the economy and reformulated priorities, any negative aspects of an ‘open’ solution to them, including ‘illegal’ movements and impacts on society, are risks to be taken.

The Free Market ‘Illegal’

Given the contending focus of the phenomenon of illegal immigration in terms of the nature of the problem, management and utility, the image of the ‘illegal’ immigrant changes. The evident modification of the representation of both legal and illegal immigration is critical in forming an alternative yet logical image of the ‘illegal’ immigrant.

A conversion of the ‘illegal’ immigrant is manifest in the broad application of the expression, ‘*economic migrants*’. They are those prospective workers and entrepreneurs who intended to come into the EU to work but were forced into illegal channels; they are considered as such in this discourse.³⁹ Otherwise, economic migrants are seen to be victims of policy without a choice (Tapinos, 24 February 2000). They are redefined as migrants seeking a better life and only violate the law and engage in *desperate* acts, such as pretending to be refugees, for this ‘noble’ purpose rather than to mock the state. Their “only sin... is to be seeking a better life in the rich world.” (*The Economist*, 6 May 2000a, p. 21). The illegal immigrant is associated with the ethic of liberal capitalism; he or she is the *risk taker* and the *opportunity seeker* seeking out to better their life through *entrepreneurialism*.

So far the discourse relating to illegality has been implicit in a general discourse on economic migration. In one sense this is not surprising given the fact that the focus

is on freedom of movement and opening up migration channels. The discourse is a more positive one in terms of the acceptance of 'legal' immigration rather than deterrence. 'Illegals' are included in new categories such as "*cross-border commuters*", "*labour tourists*" and "*incomplete migrants*", and even the unskilled are the "*flexible workforce*" and "*ideal workers*" (*The Economist*, 6 May 2000b, p. 26; *Autonoom Centrum*).⁴⁰ Thus the category of 'illegal' immigrant requiring control is discursively reduced.

Also, those that are still illegal, in a strict legislative and categorical sense, are given a more positive image as a unit of opportunity or commodity waiting to be utilized by developed market economies and regions. These examples highlight the fact that this discourse represents the 'illegal' as an economic resource and a 'solution' rather than a problem. The discourse of free markets does not simply involve different labels. There are examples where the concept of 'illegality' is included while changing its meaning based on what it is linked to. Discursively and through political practice an entire group of immigrants has been detached from negative issues. The tone of an article by *the Economist* is indicative of the liberal view towards illegals, especially the unskilled. It cites a report that...

... recently discovered that 11 villages in the Oas region of northern Romania... had generated a *regular pattern* of illegal migrants to Paris, almost all of whom eventually went back home... and sends home about DM 10,000... during the season. And no matter how hard the French try to clamp down... [they] always find a way in... (emphasis added, 6 May 2000, p. 26).

They are part of an economic system rather than a sinister plot to undermine the state.

The exemplification of the discourse has shown that illegal immigrants, otherwise in one of the above economic categories, have a positive representation.

Other examples reinforce the alternative image of the illegal immigrant provided by a free market discourse. Illegal and undocumented migrants are potential workers and, with migrants in general, viewed favourably as *taxpayers* (Vitorino, 12 July 2000) who are unlikely to affect social security and wages unless they are forced into an illegal position by immigration ‘mismanagement’ (Tapinos, 24 February 2000). UNICE speaks of the impacts of *creating* illegal migration on public expenses, reduced tax revenue and social security contributions, and unfair competition (13 June 2001). Kostakopoulou adds that, “... most studies confirm that both documented and undocumented migrants pay more in taxes than they receive in social security” (1998, p. 901).⁴¹ It is, within a more liberal discursive formation of illegality, “more realistic to assume that illegal immigrants try to find employment... and that they seek to avoid contact with the police” (den Boer, 1995, p. 102). Tapinos rejects linking sinister motives to illegals and argues instead that, “being illegal is seldom the migrant’s deliberate choice. When the opportunity occurs, most of those meeting the criteria are only too eager to file an application” (24 February 2000). Irregulars get jobs even without documents and in fact do the jobs Europeans do not want or are unable to do. This detaches the issue from employment figures (*The Economist*, 6 May 2000). As King explains ‘illegality’ has loose conceptual meanings:

An amnesty or a regularization law may transform illegal into legal immigrants virtually overnight. Or an apparently unproblematic legal migrant may suddenly become illegal the moment he or she becomes unemployed... Furthermore, a ‘legal’ migrant may work in the ‘illegal’ (or informal) economy; or an ‘illegal’ migrant may work without hindrance in the legal or formal economy (2002, p. 94).

More often than not they are legal workers who overstay. The term ‘illegal’ obviously has many possible meanings and is part of a series of contending representations.

Meanwhile the continued element of discrimination must be highlighted. A new ‘polarization of migration’ (King, 2002, p. 98) is often formed around the *skill level* of the immigrant with the ‘needed’ on the one hand and ‘unwanted’ on the other. In this context, “the market value of an illegal employee is based on illegality” (Hailbronner, 2000, p. 15). Negatively is often reinserted in the debate in terms of unneeded, low wage, ‘surplus’ or unwanted migrants rather than as a security threat as such. Even skilled migrants, though less tainted by many aspects of the control discourse, are ‘freed’ from representations as potential job takers. Articulations of this discourse focus on principles of supply and demand of labour.

The struggle over meaning is also more likely to concentrate on the representation of the illegal *labour market* rather than in first instance the illegal immigrant. This a threat to real growth and labour market competition. Gone are the notions of an ‘informal’ labour market with the ‘illegal’ immigrant as the cause. Instead, it is the ‘illegal’ or ‘underground’ labour market, and its ‘rationally behaving’ employers (Hailbronner, 2000, p. 15), that is seen to encourage distorting labour movements (Tapinos, 24 February 2000). Of course not all free market articulations focus on issues of wages and exploitation. As Niessen identifies there has been “all along implicit toleration of documented and undocumented migration to satisfy the demand for workers of all skill levels” (2000, p. 4). This demonstrates that the illegal can also be represented in this discourse as an element of employer self-interest. In general, the

illegal migrant is more likely to be articulated in terms of ‘need’ or labour market dynamics rather than ‘crime’ or the harmful consequences of covert entry.

The Economic Articulations and Operationalization of Illegality: Policies

This representation of illegality does not eliminate the concept and issue of illegal immigration from consideration but rather changes the basis for legitimate or rational ways of articulating and governing it. It is not a question of threat or weakness of borders. On the contrary, it becomes an issue of what the EU can get out of the ‘illegal’ population or a larger legal population of immigrants. It is also a question of how European leaders can prevent (regulate) them from becoming illegal in the first place and have the (single) market function properly and in an ‘orderly’ fashion. Such a discourse is enhanced and reproduced in the actual and proposed policies originating from those operating from within it, to which the discussion of the DNP now turns.

First of all, the locus of legitimate expertise and ‘authorized speakers’ shifts and widens. The style of the language used creates the impression of the loosening of state sovereignty. This is outlined in the emphasis of the publications of those such as Migration Policy Group and UNICE on ‘engaging’ and including the views of economic ‘stakeholders’ in migration policy including public and private employment agencies (UNICE, 13 June 2001; MPG, April 2002; see also Niessen, 2001, p. 419). The employers are ‘best placed’ to determine the economic migrants or available economic resources in a system of regulation that privileges the use of their expertise as well as their interests.

The discourse also serves to highlight the institutions and policy promises that are not visible in academic and policy discussions of control. For example Niessen, clearly working within a liberal framework, highlights the international rules and treaties that suggest a free market order (Niessen, 2000, p. 39). GATS, WTO rules, the ‘four freedoms’ and Article 8a for example are presented as a kind of liberalization process for immigration much like contemporary policies for capital and services.⁴² The message is that governance of migration should be based on existing international treaties that espouse the discourse of labour market liberalization. The analysis of free market policy uncovers the articulation of a ‘legal’ back door for the illegal, a justification of their ‘wanted’ status or, more significantly, contradictions of law operating within the EU that ignore labour market dynamics and demographic trends.⁴³ It also makes the existence and the significance of examples of government policy visible. Local cross-border labour policies and recruitment of skilled workers in such countries as Britain and Germany are exemplified as market based migration policy already in action (*The Economist*, 6 May 2000b, p. 25; Vitorino, 16 October 2001; Niessen, 2001, p. 424; *BBC Online*, 22 November 2000).

In a free market discourse, the movement of people in the modern age is a fact of life that can be ‘creatively managed’ in a way that maximizes benefits to the host economy. In terms of policy proposals currently available and present in the public sphere, there are several concrete and interesting examples. In its more idealist and pure form, such a discourse calls for a laissez-faire policy of loose management and porous borders as part of a European labour market strategy (Niessen, 2001, p. 424). In other words, “liberalisation of immigration and the removal of obstacles for human

exchanges... should keep pace with the liberalisation of trade and the (gradual) removal of barriers for the movement of capital, services and goods” (Niessen, 2001, p. 18). As Chopin writes, “Within such an overall approach, combating *irregular* migration and trafficking in human beings will *find its proper place* and should be given less attention than it presently receives in public and political debates” (emphasis added, 1999, p. 22). Put simply, migration policy must be liberalised and made a part of other market focussed EU policy domains in order to allow the proper functioning of the economy.

Such a policy has now been proposed at the European level. Supported by UNICE, the 2001 Commission proposal for an “Open Method” is representative of a policy articulation of the market discourse. It is defined by the Commission as a “procedure to be put in place to monitor migration flows... and the development of a common policy for the controlled admission of economic migrants” (2001a, p. 21). The text is filled with the liberal discussion of a ‘flexible’ migration policy, that can ‘rapidly’ react to EU needs and ‘facilitate’ economic growth. The idea is that migrants “can make a positive contribution to the labour market, to economic growth, and to the sustainability of social protection systems” (2001a, p. 21). From the perspective of the Commission, immigration policy must consider a wider range of issues: “Member states will be in a better position to address the problem of *irregular* migration if they are equipped with a broad range of migration management policies going beyond measures to curb the perceived or real misuse of their asylum systems” (emphasis added, 2001a, p. 14). It is a ‘new’, ‘integrated’ and importantly common approach. The Commission reports that, “the analysis of the current situation with respect to immigration flows in

the EU suggest that a different, more flexible approach common to all Member States on the issue now needs to be taken” (2001a, p. 13).

Another interesting aspect of the Commission’s Open Method is the idea of an economic ‘revolving door’. It is “seeking ways to support patterns of mobility between EU Member States and third countries so as to encourage migrants to maintain and develop their links with their countries of origin... reviewing legislation which restricts the possibility for migrants to move freely between their country of residence and their country of origin” (2001a, p. 10; see 2001c). Whatever the specific proposals, including new liberal visa regimes or reduced regulation, the representation of the illegal is itself ‘liberalized’ in these articulations. He or she is freed from a contingent link to economic costs and prioritized as a potential commodity rather than certain liability. As I discuss later, the policy is significant based on its potential discursive impact.

Assumptions

The discussion now turns to a more explicit analysis of the discursive dynamics of the free market discourse as it is being articulated in the EU context. Beginning a comparison of discourses and examination of the possibilities for change, it is important to keep in mind the assumptions and what is taken for granted. Although the representation and criteria of the ‘illegal’ immigrant ‘changes’ in this discourse, it should be noted, based on the analysis of both discourses assessed thus far, that each takes certain things for granted while ignoring others; this often in reaction to each other’s discursive formations.

A series of taken for granted facts are evident in the examples of the free market discourse. One critical assumption is that the closing of legal channels to economic migration increases the numbers of illegals (Commission, 16 November 2001). There are also assumptions about the importance of economic self-interest as well as the 'entrepreneurial' motives of migrants (see Collinson, 1993, p. 14, 97). Other presumptions are focused on processes and trends of globalization and the reduced ability of governments to remain in exclusive sovereign control of cross border activity especially in terms of the units of economic activity. Assumptions are also made about the role of government and the need for control over economic issues to be taken out of their hands.

Ultimately, faith is placed in 'free markets' as opposed to government intervention including any methods or motives of control that deal with illegality by increasing obstacles. A laissez-faire vision of borders reduces in importance the consideration of non-economic issues. Niessen for example, says that, "it is much less understandable... when immigration for employment... is rejected as a complementary labour market strategy for reasons of social cohesion" (2000, p. 35). The choice for governments is affected when societal and other concerns are downplayed: "politicians face a choice. They can either pander to the fears of voters... or they can seek to reassure them that these worries are only half founded" (*The Economist*, 6 May 2000a, p. 21). This is evident in articulations that state that migration will continue anyway or 'is a fact' of the global economy. It is 'a fact' that, "regular migration is always accompanied by irregular migration and... movements of people can never be totally controlled" regardless of the level of restriction put up by governments (Chopin, 1999, p. 22); thus

the shift from futile controls to acceptance of people without documents and maximizing economic benefits of this openness.

Of course one should not fail to consider the basic assumptions of free market discourse about immigration in general. One need only look at the history of the 'guest worker' system to note that economic discourses tend to assume that immigrants are economic nomads that are not likely to stay, bring families or remain permanently. The focus is in the *assumed* benefits of migration. This tends to push aside societal concerns for example as exemplified by *The Economist* call for governments to accept the risks of open movement mentioned above.

Marginalization

In a discourse of control within which the illegal immigrant is connected through political and discursive practice to threats to society, mocking border controls and the ability of the EU to complete the single market, market discourse and its policy articulations do not make sense. A process of discursive marginalization is apparent. The analysis thus far has demonstrated that much of what a free-market discourse does is make 'visible' aspects of movement marginalized by 'control'. This is done in a discursive sense by the awareness of contingent and contradictory articulations in the EU including "the securitization ethos characterizing extra-EU migration policy versus the liberalization ethos of intra-EU movement" (Kostakopoulou, 1999, p. 506). A brief historical and contemporary overview demonstrates a process at work in which representations clash or attempt to silence each other. If one seeks to uncover the 'hidden history' of economic migration in Europe and 'brake down the binaries', as a

study of subjugated discourse does, a logical free market alternative is uncovered. A discourse that places a value on economic migrants has both historical and contemporary manifestations. While discussing historical examples as marginalized discourse, contrasts are made in order to further question the 'control' discourse and its permanence.

First, a study of the pre-EU history of migration in Europe uncovers periods of economic based migration. Since 1949, an economic discourse has been present in European debates and has obviously struggled to impose its meaning on the migration issue in the EU. Beginning with historical examples, they demonstrate that the current policy regime is contingent and far from a natural or organic one. Going back to pre-state and pre-enlightenment times, the continent of Europe experienced economic based movements of people. As Collinson notes: "Unlike today... because population was considered a valuable resource the rulers generally welcomed immigration and showed little hostility" (1994, p. 27). Indeed, an evaluation of European history notes the fluctuations and 'echoes' of the economic discourse of migrants.

Whereas in contemporary discourses migrants of all kinds are lumped together as 'new' threats through a series of speech acts, it was only 30 years ago that a group of 'guest workers' was distinguished from the rest. The *image* of workers moving in and out of a marketplace was formed through this discourse. The era of the 1950s, 1960s and early 70s is not surprisingly characterized by significant levels of migration overall with a concentration on economic migrants. The *benefits* of migration to the rebirth and explosion of the EU economic boom drove the policy process. It is a knowledge of migrants as economic commodities that conveys an altered policy environment. The problem is constructed as a lack of workers, demographic need and solution a cheap and

flexible workforce of immigrants. In fact, they were "not politically sensitive... the debate about their legal status did not have prominence and the same connotations that it has had since the 1980s" (Huysmans, 2000, p. 754). Of course, as those guest workers stayed and *image* of them returning home vanished they became 'threatening'; as a result problems and solutions were redefined. The consequence is, as Silverman states, a process of marginalization, "through the conversion of what was called 'spontaneous immigration' in the 1960s and openly encouraged by government, into 'illegal immigration' ('immigration clandestine') with... controls...." (1992, p.134). Furthermore, "the language of crisis and threat can disguise the centrality of the contribution that has been made and will be made in the future by immigration" (Geddes, 2000, p. 1). The fact that many were contributing to society was legitimately ignored once the discursive representation of them shifted.⁴⁴

Although the single market project and the issue of free movement are compatible in free market discourses and processes of 'market making', dominant security assumptions selectively and through self-fulfilling prophecy alter the discourse (Bigo, 1998, p. 160). Rather than being understood as commodities, replacement populations and *individual* job seekers, migrants are referred to by those using the control discourse as smuggled, 'shoppers' and overwhelming '*flows*' to be regulated like drugs or arms.⁴⁵ Even liberal democracy and its free market principles are themselves marginalized:

La question des migrations révèle un paradoxe majeur du discours néolibéral, qui prêche la déréglementation, la flexibilité et la privatisation, et entonne l'hymne à l'Etat minimal et à la libre circulation des biens, services et capitaux. Mais ce sont soudain de tout autres règles du jeu qui s'appliquent dès lors qu'il s'agit de la libre circulation des personnes et du traitement des demandeurs

d'asile. L'Etat est alors sommé d'user tous les moyens dont il dispose pour restreindre cette liberté [...]
 En revanche, celui qui vient de beaucoup plus loin dans le même but est montré du doigt comme un fraudeur, un chasseur de fortune, un profiteur (Van Buuren, 2002, p. 80).

Whereas in the free market discourse the 'economic migrant', including the domestic citizen moving internally, is represented in a positive fashion as the flexible and determined 'modern worker', those who come from outside of Europe are viewed as frauds, fortune seekers and 'profiteers' (Van Buuren, 2002, p. 80). The process of marginalization uncovers not only the contradictions and contingencies of control in the European context of 'liberal democracy'.⁴⁶ The contrast also serves the critical purpose of challenging a discourse of control with truly liberal discourse.

The discourse of control also serves to limit available policy alternatives presented in the public sphere. The focus on 'control' in the options made available at the Seville Summit and continued declarations to continue the fight against illegal immigrants fail to prioritize economic self-interest or the analysis of demographics and labour markets. For example, as Collinson notes with a historical example from Britain, "having never couched immigration in terms of economic necessity, British leaders had tended to be rather reticent on the subject of immigrants' economic contribution to the economy and discussion of immigration had been dominated by anxiety..." (1994, p. 37). In his observation of current policy practice, Tapinos adds that:

Policy makers dealing with the question should be more concerned about the effect illegal immigrants have on wages and the labour market... The truth is that labour market studies have so far failed to identify and incorporate what is specific to illegal migration as a subject of economic analysis. That is probably why most studies... end up equating employment of illegal migrants with that of unskilled migrants (24 February 2000).

Also the four freedoms in EU treaties, other directorates in the Commission (ie. development and humanitarian aid) and existing global economic arrangements ‘exist’ but are absent in the control discourse. It is ‘taboo’ and naïve to speak of the benefits of the skilled and unskilled economic migrants and opening borders at summits dedicated to *combating* illegals and hypothesizing over potential ‘Early Warning Systems’ and ‘Border Guards’. Although it seems to be and presents itself as natural, the control discourse is revealed as ‘engaged’ in a ‘struggle with’ and misrepresentation of other discourses.

The Translatability of Contemporary Economic Discourses

This leads us into an important and as yet unexplored study as to the possibilities of discursive shifts or movement underway in the EU. From the perspective of discourse analysis it is not simply a matter of change in demographics and employment numbers but rather the discursive and political practice of *linking* these issues to the ‘irregular’ movement of people from outside of the EU’s borders. Policy towards immigration is often said to follow economic *interest* dictated by the highs and lows of economic trends. A typical explanation is that economic shocks and unemployment, as in the case of oil or asylum crises affect the policy towards illegal/legal immigration (see Brochman and Hammar, 1999; Collinson, 1994; Monar, 2001). However a look at the discursive elements involved suggests that a discourse analysis offers fruitful supplementary understandings to these conclusions.

On the one hand the discourses around the economic discussion of ‘illegal’ immigration seem to be quite different or too far from the DNP of the control discourse to indicate translatability. Importantly, there is a questioning of sovereignty in the

domain of immigration policy. The idea that the nation-state no longer has the capacity to control migration, that 'illegal' immigration is a 'fact of life', or that irregular immigration is an inevitable consequence of global migrant worker movements, does not translate well with a discourse that dismisses the loss-of-control vision and non-State actor influence over immigration policy. The representation of 'illegal' immigrants as actual or potential national assets is incompatible with their framing as threats or the key function of nation-states to protect their citizens and 'homeland'. Often missing is a spotlight on security. It is hard to consider a non-security discourse at a time when illegal immigration is continually discursively linked to acts of terrorism that threaten the growth and expansion of an 'area of freedom, security and justice'. Indeed, after the events of September 11th one is unlikely to hear articulations about migration without a discussion of the 'war against terror'. The image of giving near 'amnesties' to people who would otherwise be illegals is an untenable proposition for those rooted in a security discourse. All in all the general language of 'fluidity' and the loss of control over borders moves the language or DNP away from anything that can produce exchange between discourses.

While many of these elements are in fact present in discursive articulations of the discourse, a more thorough and collective view of the diversity of the contemporary discourse at the European and national levels shows that some articulations are much closer to those of control. It cannot be assumed that discourses operate like interests that are in isolation to each other and that change cannot occur in the context of continuity. Within a discourse that seems fundamentally different, there are elements

suggesting that the expression of economic discourse in Europe today is characterized by substantial overlap and in turn possibilities for change.

The first element that a discourse analysis takes note of is the continued articulation of the policy towards illegal immigration in terms of utility for national economic self-interest. Vitorino stresses that, “we are ready to welcome many third country nationals if necessary. Necessary for political reasons of theirs or necessary for economic reasons of ours. But we do not simultaneously wish to abdicate (our) right to choose” (17 October 2001). Member states and their own labour market situations would be the focus as with the emphasis on ‘subsidiarity’ in the Open Method and in UNICE proposals (Commission, 2001a; UNICE, 19 October 2001).⁴⁷ Thus the governance of ‘illegals’ would remain in the hands of member states (see UNICE, 12 June 2001).⁴⁸ The reclassification of illegals and legal, especially in terms of skills or need, makes it possible to state that it *is in the national interest* to reduce government control just as is done with the other four freedoms and policies like European Monetary Union.

Furthermore the articulations of free movement are not being made in a ‘radical’, laissez-faire fashion by all of those speaking the market discourse. One must question whether a shift from a language of ‘control’ and ‘fight’ to one of ‘regulation’ and ‘management of flows’ is so far off discursively to prevent an exchange at the level of discourse in the EU. The idea of more ‘orderly’ movements is in fact a rearticulation of the need to have some sort of control despite portraying existing methods as wrong and misguided. Also, the direction of policy still accommodates a nomadic and temporary view of the immigrant. Vitorino proposes (9 July 2001) that, “the aim should be to give

a secure legal status for temporary workers who intend to return... while at the same time providing a pathway leading eventually to a permanent status... [for those] who meet certain criteria". Many free market articulations remain sensitive to concerns of integration and issues of society. The stress of many is on a balance that includes but is not dominated by an economic discourse.

Critically, economic or free market discourses do not ignore or delete the concept of illegal immigration. This could inhibit its translatability from a discursive point of view. Even the Commission and UNICE stress that the fight against illegal immigration must be continued. Often the boundaries of exclusion are redrawn. The evidence thus far has shown that use of the term 'illegal' should not necessarily be taken as an example of an unchanging and dominant idea at work. To be more precise, the discussion of illegal immigration continues but only involves fewer and different groups of people.

Traces in the Public Sphere

With this in mind it is important to sift through the free market discourse to identify key traces that exist which could help enhance its status as an alternative or suggest that a discursive shift is underway. With the arrival of a new Commission led by Romano Prodi, an important trace is evident attributable to opportunities created by discussions of the demographic and labour needs of the EU. From the communication on the 'Open Method' it states that: "from an analysis of the economic and demographic context... that there is a growing recognition that the 'zero' immigration policies of the past are no longer appropriate... channels for legal immigration... should now be made

available... [immigrants] can make a contribution" (Commission, 2001a, p. 3, 21). It is obvious from its publications that the new Commission is seizing an opportunity to inject an economic discourse or 'balanced approach' into EU thought processes and regards the current security discourse as inhibiting market goals. Low skill migrants are no longer inevitably linked with their criminal colleagues.

The Commission is in fact taking advantage of a 'trace' offered up by the *Tampere Presidential Council*. It states that "... the Commission proposes to examine how the complex issues related to the admission of economic migrants... only touched on briefly in the Tampere Council, should be developed within a Community immigration policy."⁴⁹ Thus, not only does discourse analysis expose an existing alternative discourse but also highlights the presence of traces. It is not that out of the question to talk of increasing migration in times of need even if order and stability are concerns, as in the 70s where unemployment rates in Europe were on the rise. For those such as Vitorino this forces:

...the Union recognize the realities of the situation of today : that on the one hand migratory pressures will continue and that on the other hand in a context of economic growth and a declining and ageing population, Europe needs immigrants. In this context our objective is not the quantitative increase in migratory flows but better management in qualitative terms so as to realize more fully the potential of immigrants' admitted (9 July 2001).

The 'open method', representations of 'economic' migration and other references to demographic and labour markets are all traces present in public policy debate.

Signs of a Discursive Shift

Beyond articulation and the presence of traces, the issue of whether a discursive shift is possible or underway deserves particular attention. The significant amount of discursive overlap in many articulations and policy statements or practices suggests that economic and demographic dilemmas are altering the nodal point of 'illegal' immigration in Europe. An ever-important discussion of labour shortages and an aging population establish a setting where such expressions are not so 'outlandish' as in times when the security discourse is unchallenged. Aside from the Commission (2001c, p. 6) and groups such as UNICE, even member state politicians are taking up the discourse however subtly. Barbara Roche, the former UK Home Secretary gave a speech that distinguished immigration from asylum and focussed on the virtues of economic migration as a 'good business plan' just months after denouncing the 'flood' of 'bogus' asylum seekers (*The Economist* 9 September 2000, p. 69).⁵⁰ The hegemony of security discourse is not as solid as many positivist accounts make it out to be. Indeed there is a logical self-interest for politicians to choose to open legal channels to migrants. Rather than a security problem, the global movement of people is increasingly understood as an economic problem because of the absence of open channels or misallocation in a time of need.

The presence of overlap of the economic alternative in the public sphere suggests a discursive shift. Key actors are discussing immigration and illegality not only as issues of society and security but as signifiers of economic dilemmas. The Migration Policy Group observes that, "in a shift from the debates... immigration for employment from outside the Union has made a comeback on the policy agenda, for a mixture of socio-economic, labour market and demographic reasons" (MPG, April 2002, p. 4). Another

Migration Policy Group paper argues that a 1999 Council of Europe Report was a first “sign of a shifting view” in that it was “not only focused on closing borders and combating irregular immigration” (Niessen, 2000, p. 7). The President of the EBRD (Bevanger, 15 June 2002) is even speaking out against the backlash towards immigrants on economic grounds. Despite continued reluctance in some circles, politicians are either enacting more open policies or actually using ‘immigrant’ and ‘economic necessity’ in the same breath. The focus on the ‘fight against illegals’ is not an exclusive priority.

The most important aspect to take from this discussion is that actors in the public sphere are taking up traces available in EU debates and reinvesting them into concrete alternative articulations of the ‘illegal’ immigrant. King asserts that “, all around Europe there seems to be a constantly shifting discourse as to the desirability of migration, now very much related to economic, labour force and demographic projections for the next few decades” (2002, p. 102). While the contribution of immigrants to demographics and labour markets is debatable, the fact that ‘illegal’ migrants are included as a discussion point for economics is significant from a discursive point of view.⁵¹ This is in stark contrast to a discourse focused purely on keeping ‘illegals’ out as such. It should be recalled that even the more cautious statements of the free market discourse have unintended and unforeseen consequences in terms of the impact of a discursive shift on representations of illegals and in turn on policy practice (see Diez, 1999b).

PART II

*A Cosmopolitan Discourse:**'Humans Are Not Illegal'*

Another alternative manner of speaking about illegal immigration is a counter-discourse that challenges the dominance of borders, nationalism and ethnocentrism. It is centred on notions of cosmopolitanism. It is a discourse typically articulated by anti-racist, pro-migrant and refugee groups. Although cosmopolitanism has not featured too prominently in definitions of national interest or in academic and political accounts of what is driving the fight against illegal immigration, an analysis of the empirical evidence uncovered in this study reveals some interesting dynamics. In terms of the context of this study of illegal immigration discourse, the EU is often compared to a cosmopolitan order within which the overwhelming hegemony of borders and sovereignty are put into question (Linklater, 1990; Delanty, 1995; 1999; Bull, 1995).

There are many elements of a 'cosmopolitan' discourse that are significant to a study of 'illegal' immigration. The notion of 'citizen of the world', the inclusion of and engagement with people from all over the world, and the existence of diversity free from national prejudice are important elements (see Huysmans, 1995, p. 69). It represents mobility and in fact the people who move as natural global phenomena that should not be controlled by national boundaries. Importantly cosmopolitanism discusses issues of global citizenship and human rights outside of the requirements of national membership (Habermas, 1992). In this way immigrants are not something that can be made illegal, or, in the least, are not naturally illegal. 'Illegality' is a man made phenomenon while

migration is a natural process. Constraints on this 'human right', especially movement caused by legitimate humanitarian concerns, are not represented as they are in a 'control' discourse. Borders, racism, nationalism, xenophobia and other systems of control or exclusion are represented as negative and a threat to what is natural and just.

This is an appropriate transition into a discussion of the common manifestations of this particular form of knowledge about the movement of people. This helps to contextualize cosmopolitanism as an immigration discourse. In the least, the understanding of Europe as a centre or continent of migration is nothing new. After the collapse of the great Roman Empire, Europe was deluged by a 'great migration period' (Collinson, 1994, p. 25). More specifically when studying the history of the idea of Europe one discovers numerous manifestations of it as a humanitarian and open continent (Wilson and Van der Dusse, 1995). The contemporary view of nation-state migration and sovereignty in that area is not inevitably hegemonic. In fact "the decline of the concept of a universal but non-territorial community of Christendom in Europe and the emergence of state sovereign control over distinct subject communities gave rise to the first strictly interstate migrations in Europe" (Collinson, 1994, p. 26). It is obvious that alternative 'ideas' of what Europe meant, as a Christian space for example, played a significant role in defining its receptiveness to migrants of all kinds. Still, something more than the modern state system is needed to understand the presence and marginalization of discourse that has played such a significant role in European history. This involves an elaboration of contemporary discursive representations.

With a general idea of the vision of cosmopolitan discourse in place, the chapter outlines and uncovers the dynamics of this alternative as it is articulated in the

contemporary European public sphere. While the cosmopolitan discourse may seem inapplicable to the highly sensitive topic of illegal migration, the question remains as to whether anything specific about this contending representation of illegal immigration in Europe uncovers interesting implications and possibilities.

International and Human Rights Law

There are various metanarratives of the alternative discourse that can be compared and contrasted with those of 'control'. The first is found in the basic conventions, traditions and laws that all EU governments have ascribed their 'ethics' to. International law, conventions and humanitarian principles as well as the basic principles behind liberal democracies all frame the 'cosmopolitan' discourse in regards to migrants (Santel, 1995, p. 89). Furthermore authors have referred to a 'European Tradition' of social justice and human rights (den Boer, 1995, p. 107). The situation is not explicitly represented as an immigration problem but as a humanitarian crisis. In essence, such a discourse considers the governance of 'illegal' immigration to be legitimate only if 'illegals' are handled with these laws in mind. Asylum seekers for example, are innocent until proven guilty: "international law and humanitarian principles oblige states to screen each individual case in order to establish whether a person is in genuine need" (Santel, p. 89). As with free market focus on labour markets and demographics, the locus of the problem shifts away from 'illegal' immigration, in this case to problems of global inequality and strife. When 'illegal' immigration does enter the discourse it is in terms of the negative and unethical consequences of 'unjust' immigration policies.

Contemporary discourses specifically link ‘illegal’ immigrants to considerations of basic human rights and asylum law. In its expose on treating ‘illegals’ ‘legally’ *Human Rights Watch* (August 2002), identifies “the human rights standards that should be at the core,” of any policy. As Amnesty International notes, “human rights standards must always govern the way states treat people under their jurisdiction or asking for their protection” (12 June 2002). Thus the articulation by various actors that ‘all migrants have rights’ regardless of immigration status and legality (see, Morrison and Crosland, 2000, p. 98). The illegal is also detached from any negative connotations of lacking ‘papers’ as these have little to do with fundamental human rights and it is in fact impossible and, “unreasonable to demand that refugees have proper documentation” according to Article 31 and 33 of the 1951 Geneva Convention (see, Amnesty, 2 November 2002). As the Churches’ Commission for Migration in Europe states, “Human dignity is fundamental and has to be respected regardless of whether someone has documents or not” (Churches’, 28 May 2001). Also, *No Border* goes as far as to call for a ‘world without papers’ (*No Border*). People are not considered for criminal punishment simply for crossing a border without the necessary papers required by the EU and its member states.

A more critical side of this discourse takes up the issue of racism and exploitation and ties the illegal to existing anti-discrimination law and international labour standards. *No Border* refers to the “ideology based on racist principles of homogenous ethnic states and [xenophobia]” (*No Border*). The organization also refers to “undocumented labourers” as representative of the “lowest form of exploitation” while *Autonom Centrum* speaks of a system of ‘administrative apartheid’ in the existing regime against illegal

immigration. In comments on a recent Commission proposal on expulsion, *Human Rights Watch* notes that, “there is a noticeable absence in the Green Paper of any mention of the growing EU anti-discrimination regime to immigration management” (August 2002). Illegals are in fact the victims of the ignorance and abuse of international laws.

Open Borders

Again, like free market discourse, the cosmopolitan discourse has a different vision of how the world operates in the context of movements of people. The examination of this discourse turns to its vision of the phenomenon and in turn how to deal with ‘illegal’ immigration. Given that the construction of the ‘problem’ is much different in this discourse, the idea of legitimate restrictive control on the movement of people within a global or ‘deterritorialized’ space is challenged (Delanty, 1999, p. 81-93). Huysmans concludes that a more open vision of borders means that the, “meaning of migration and refugee flows change” (1995, p. 54). Politics, society and economy are all rooted in a discourse that de-links the border from these representations and redefines ‘illegal’ travel as a problem to be governed in a different fashion.

The significant part of this discourse is the image created in the European debate of an issue that is much more ‘transnational’ in terms of its character and governance. Interestingly, the metanarrative of a globalized world is part of this discourse in many ways with Santel explicitly referring to the “globalization of migration” (1995, p. 81). The critical aspect of this discourse is its reinsertion of the metanarratives of borders and sovereignty. Collinson provides an example of the language used: “in the modern world, international migration can no longer be seen as such an anomaly, nor can it be assumed

that states have ultimate control over the process” (1993, p. 103-4).⁵² The impact on the representation of the illegal immigrant ‘threat’ in Europe is clear since the, “world should be seen as one... the world is for everyone” (*Autonom Centrum*) or involve “open frontiers for all” (*No Border*). Movement is in its nature a cosmopolitan action (Delanty, 1999, p. 63). King speaks of, “mobile people with multiple place affiliations and hybrid or cosmopolitan identities have no wish to fit into the ideology of one national identity” (2002, p. 102). The idea of nation-states and their borders as a container for political identity does not resonate here, as this is a discriminatory and unjust exclusion. In general, the criminal or illegal function is understood to be *created by legislation*, for example the new Schengen border and external boundary of the EU. Otherwise, borders are not linked to solutions to illegal immigration as they are in a control discourse.

The Natural Global Pattern and Networks of Migration Movements

The representation of illegal immigration is obviously altered as part of an overall vision of immigration trends. For example, pro-migrant organizations are emphasizing a natural trend attempting to shift the discourse from one of ‘flows’ to “patterns” that are not stopped by borders. King argues that, “national bodies regulate contiguous space, whereas migrations function in a network space” (2002, p. 102). The processes of *making people illegal* and the *illegalisation of migration* are associated with control and directly criticized as futile and a denial of cosmopolitan networks (*Autonom Centrum*). *The Economist* presents such a view stating that, “research shows clearly that the chief reason... all migrants head for one country rather than another is that they know people

already there... existing patterns would probably change little, the networks, have taken on a life of their own...” (*The Economist*, 6 May 2000a, p. 20). Referring to the colonial legacies of many EU powers, the Group of Greens/European Free Alliance emphasizes that, “we have to become aware of the boomerang effect... when poor peoples of the south seek prosperity in our latitude” (G/EFA, 4 July 2001). They also highlight the issues of demand driven and family reunification immigration, “which must mean dropping the illusion that migration can be managed as a mechanical operation” (4 July 2001). Thus, the EU is part of a world system that denies its obligations, responsibilities and ‘realities’ and instead *makes* people illegal.

Crucial are many articulations in this discourse placing illegals, and immigrants in general, as part of an interconnected and ‘organic’ system of connections and responsibility. The logic of the management of movement within states is projected into a wider space beyond borders. As Joseph Carens states in his exposition of a liberal egalitarian theory of international migration “no liberal state regulates internal mobility” (Carens, 1987, p. 259). *No Border* emphasizes the cross border impact of root causes and the causes of ‘illegal’ migration: “Migration is a fact, its autonomy could and still cannot be regulated as states and international organizations would wish for. Migration is a consequence of economic exploitation, political repression and war, but also of the legitimate interest of people to find better or different living conditions” (*No Border*). In a discussion of the choice of words, Enzinger presents this different view of the movement of migrants and illegals:

Against the image of waves and bursting dykes one can place another image... immigration movements [as on a] weather map, in which is illustrated how masses of air move from cold to warm and back. I find this image more sympathetic, not because it

would be a better metaphor than water, but because the weather maps usually show how a relatively large area of the Earth and therefore show how much air movements are part of a system, how much they are a pattern. When one sees the pattern the threat of it is reduced (cited in *Autonoom Centrum*).

The idea of patterns in which borders have minimal influence directed at an undisruptive phenomenon is thus critical to alternative representations of illegal migration.

In this discourse, taken up by actors with various degrees of vigilance, the problem of ‘illegal’ immigration in the EU is understood much differently. The EU is facing a humanitarian crisis *as part of a global system*. In its lay out of criteria for dealing with illegal immigration *Autonoom Centrum* discusses the global relativity of the number of people coming to the EU, the fact that the problem is not migration but rather the circumstances fled, and the ignorance of the interconnection of migration flows, economic factors, political structures and the environment. It also stresses that “the World is a village”. Thus, the fight against illegals is a sign of a continuing problem that requires broad global solutions and acceptance of responsibilities. Illegalising or criminalizing immigration involves a misreading of the facts from this perspective. In essence the idea of the control of illegal movement is the wrong approach to a problem unrelated to immigration as such.

In the European debate, this paper has already noted that this discourse in particular has been linked to the European project by many. The cosmopolitan discourse’s representation has an impact on views of the EU as a ‘continent of immigration’. On the one hand the EU itself becomes a ‘safe haven’ and on the other, the interests of potential migrants are part of the legitimate calculation of interest as fellow global citizens and human beings in need. The link made by those such as

Kostakopoulou (1998) of restrictive immigration policies with the 'self-image' of the EU is an issue to consider. In this way rejecting people seeking to have a better life or detaining or deporting them is the real terror and threat to what the EU wants to be. The attention to the construction of this discourse, in terms of its resistance to anti-immigrant discourses and how it is working to create dissent, provides interesting conclusions.

People on the Move, 'Nomads' and the Post-Modern Migrant

These cosmopolitan metanarratives and the legitimating criteria that link them are important for the impact they have on the representation of the illegal migrant in particular. More specifically, how does the representation of the illegal immigrant change in this discourse? Again we can see the impact on the illegal immigrant in two ways.

On the one hand, the 'immigrant' is associated with natural processes of movement and human rights and therefore legal immigration includes a larger category of people. By association those who would be labelled as illegal in another discourse are simply represented as human beings on the move. In other words the illegal immigrant ceases to exist. The Dutch NGO, *De Fabel van de Illegaal*, is among the participants in a European based campaign aptly entitled "no one is illegal". Hence *No Borders* characterization of the international regimes against illegal immigration as 'ghostbusters' (*No Border*). In this sense, every migrant is a legal migrant.

On the other hand, those who are currently labelled as 'illegals' or 'undocumented' are given a more positive representation. Emphasis on natural human conditions and human rights also denies the logic of associating negativity with illegality

simply because of crossing borders, lacking documents or classification as ‘unwanted’ in various ways by a society. Cosmopolitan discourse redefines the ‘illegal’ immigrant. *No Border* in particular represents migrants collectively as ‘victims’ rather than criminals based on the “systematic deprivation of rights” (*No Border*). In reaction to the Seville Summit *Human Rights Watch* states that “addressing illegal immigration requires more than reinforcing border controls. Migrants and refugees are people with fundamental rights who deserve protection, whether or not they are entitled to remain in Western Europe” (13 June 2002). They are depicted as persons to be helped, given rights or in most cases have natural human rights restored. Immigrants who in other discourses are labelled as ‘illegal’ have a different representation in this discourse as *rights holding global human beings* regardless of national border controls.

Papers, legitimate work or the process of crossing borders are not considered criteria worthy of punitive application to ‘illegal’ immigrants. They are detached from identifications with devious ends including crime, terrorism and the subversion of homogenous societies. Rather ‘illegals’ are highlighted for their deliberate exclusion from society, or ‘illegalisation’ and the fact that they are *made* into ‘illegal’ or undocumented people (*Autonom Centrum*).⁵³ The Churches’ Commission pleads that migration, “even if regarded as irregular, is looked at with more compassion and sympathy for the persons looking for a better life. We hold the position that migration and looking for a better life is not a crime,” (Churches’, 17 January 2003). As the Group of Greens/European Free Alliance states, “these people have no option but to apply for asylum or to enter illegally and live lives as ‘sans papiers’” (G/EFA, 4 July 2001). They are *forced* into illegal channels by state-centric methods of control (Commission, 2001a, p. 13).

Furthermore the motives of the immigrant are noble and they are disaggregated from mass criminality.⁵⁴ As *No Border* states, “Illegal immigrants and refugees are not a homogenous group. They have one thing in common: no papers and no rights whatsoever. Apart from that there are thousands of different stories, experiences and backgrounds leading to a life of ‘illegality’...” (2000). They are not a collectivity of criminals circumventing the law or crossing the borders without reason or to ‘mock’ or undermine governments. Rather all have their own reasons to move as human beings. In line with the post-modern ethic, Huysmans provides the following image of the cosmopolitan mover stressing the need for:

the fragmentation of identities in order to prevent one particular construction of identity from becoming too dominant... [The] metaphor for the ‘nomad’ indicates what this kind of volatile identity might mean... [This] kind of analysis would explore migration by means of metaphors that embody the ambivalent quality of the social world... the **stranger**, the **cosmopolitan**, and the already mentioned **nomad**. (The stranger is an insider/outsider. Someone who is included but at the same time foreign) (1995, p. 69).

Christianity also brings into play an interesting cosmopolitan representation. As the Churches’ Commission comments, “from our biblical and church traditions, migration and welcoming *strangers* are not new phenomena (2001). It adds that for, “churches, every human being is first of all God’s creation... Therefore the dignity of persons must be respected and assistance to persons in need irrespective of their status...” (emphasis added, Churches’, 17 January 2003). Negative connotations of illegality only make sense in the process of exclusion. This is non-sensical in a discourse within which all immigrants are considered first as human beings.

This discourse in the European public sphere also makes visible a side of immigration not usually seen or given the same representation. As the group *No Border* states, “We believe that awareness of the systemic deprivation of rights suffered by refugees and migrants, and knowledge of their resistance and struggles, as well as the initiatives labelled by anti-racist groups, is indispensable for all who respond to the “Fortress of Europe”, with the cry “open borders for all” (2000). This discourse thus stigmatizes the border camps, detention centres and deportations in the EU as a gross exploitation of humanity rather than fitting punishment for a criminal.⁵⁵ They are seen as prisons or ‘jails’ where the only difference is that the “inhabitants are *innocent*” (emphasis added, *Autonom Centrum*). Without a legitimate basis for control of ‘illegals’, there are only unjustly treated victims rather than guilty non-citizens.

The Smuggling and Trafficking of ‘Illegals’

The discussion of both discourses has revealed that within each there is a range of possible combinations of metanarratives and emphases. In many of the examples above, refugees and asylum seekers are a focal point for the representation of immigrants who do not follow ‘regular’ channels. In the case of the cosmopolitan discourse, the representation of refugees and asylum seekers is a key marker of how this discourse is constructed and how it problematizes the repulsive definition of an ‘illegal’ immigrant. In the contemporary discussion, it is the issue of human trafficking and smuggling that provides an example of the three previous sections at work in terms of the discursive invocation of international law, porous nature of borders in the face of global movements and networks, and re-imagining of the illegal.

An appropriate and contemporary example of the cosmopolitan and human rights alternative comes from within the debate on human smuggling and trafficking in Europe. As a Party of European Socialists' resolution says... "refugees often have to resort to using false documents and smuggling networks... consideration must also be given to the right of refugees to such protection" (2001). The language of illegality is replaced by references to asylum seekers and refugees in need. This process of redefinition is most prominent in trafficking discourses. For example, the UN Palermo Protocol redefines trafficked migrants as 'victims' (see Morrison and Crosland, 2000, p. 11). Others continue to challenge the definition of *smuggled* migrants in the EU because they are referred to as accomplices rather than 'victims'. ECRE states that, "there is therefore the need to emphasize that all measures to combat trafficking *and* smuggling need to be in compliance with the obligations of states under international refugee and human rights law, in particular the principle of non-refoulement" [emphasis added, July 2001]. In fact the discourse characterizes many of the 'smugglers' as 'humanitarians' when assistance is given for "explicitly humanitarian reasons" (UNHCR, 22 September 2000).

In turn the discourse separates the issues of immigration and asylum and characterizes the current fight against 'illegal' immigration as being "part of the problem and not the solution," and one against refugees who "are now forced to use illegal means if they want to access Europe at all" (Morrison and Crosland, 2000, p. 5). The UNHCR states that from its perspective "a major problem common to virtually all of the immigration control measures introduced... is that too often they fail to make distinctions between... refugees and asylum seekers and... economic migrants... leading

to a cycle of smuggling and trafficking...” (UNHCR, 2001). When immigration and asylum are discursively linked, inappropriate policies are applied to the latter. Morrison and Crosland’s bold assertion is that, “the direction of current policy risks not so much solving the problem of trafficking but rather ending the right of asylum in Europe, one of the most fundamental of all human rights” (2000, p. 5).⁵⁶ Understood as an asylum seeker or refugee, irregular migrants are freed of the responsibility and punishment for their choice of action. ‘Illegal’ immigration is put into a broader perspective:

Regardless of whether the issue of irregular migration is approached from the perspective of border enforcement, organized crime or human rights, *we are essentially talking about the same people*: many of them, not a few, refugees... it is misleading in the extreme to continually refer to people, who are likely to be refugees, as ‘aliens’, ‘bogus asylum seekers’, ‘clandestines’, or ‘illegal’ immigrants... All migrants have human rights, regardless of their immigration status, their legality or whether they are refugees or not (emphasis added, Morrison and Crosland, 2000, p. 96, 98).⁵⁷

In this way, the cosmopolitan discourse and its manipulation of the human rights metanarrative has its own emotive language. Morrison and Crosland claim that, “as international policy currently stands, if European governments were ever successful in stopping organized illegal immigration... they would have ended European asylum policy as we know it” (2000, p. 5). One can see how discursively actors in Europe are struggling to define ‘illegality’ differently.

A Cosmopolitan Immigration Policy

Based on the discussions of control and free market policies we saw that those groups who understand and know of ‘illegality’ with a critical or alternative perspective articulate policy and operationalize the situation differently.⁵⁸ For example as Collinson

notes in a discussion of ‘root causes’, with a cosmopolitan discourse in mind, “... one might question whether migration in itself – or the prospect of it – should be the starting point for such action, since the external aspects of migration policy are of central importance, irrespective of migration pressures and migration trends” (1993, p. 56). Aside from the aforementioned arguments for the ‘opening of borders’ and ‘papers for all’ a series of legitimate policy practices are evident. In this discourse the obligations of the EU and its member states are presented as “already existing standards” (HRW, August 2002). What is required is simply living up to these commitments. The Geneva Convention and the European Convention for Human Rights are given more prominence in dealing with ‘illegal’ immigrants. Also, groups like UNHCR call for the inclusion of ‘humanitarian clauses’ in anti-trafficking and smuggling law to protect humanitarian assistance (UNHCHR, 2002; UNHCR, 2002; British Refugee Council, 2002). *Human Rights Watch* calls for more checks, not to catch people, but to determine if undocumented are in fact ‘victims’ (August 2002). A different series of questions are asked from within the DNP of this discourse. *Autonoom Centrum* asks whether interpreters are supplied for illegals and about the adequacy of reception centres and provision of legal aid. The injection of a more principled and compassionate approach rather than technical focus on ‘numeric realities’ is a hallmark of this alternative representation.

The cosmopolitan discourse associates ‘illegal’ immigrants and the undocumented to rights and a ‘legal’ status; hence the importance, existence and significance of migrant support infrastructures. *Autonoom Centrum*, *De Fabel van de Illegaal*, and *No Border* have established quasi-Welfare state organizations and support structures for ‘illegals’. *De*

Fabel for example has organized many pro-undocumented and anti-racist campaigns. It builds ‘support structures’ for the undocumented and struggles to have social authorities resume working for undocumented people. Also in the Netherlands, according to *Autonoom Centrum*, “in all bigger towns there are now groups involved in relief work with *illegalised* migrants on more than just the humanitarian level. The groups offer housing projects, medical aid, legal aid or financial support or combinations of aid...”. They have also set up the ‘No-Papers Café’, ‘Admission Free’ housing and a Solidarity Network for Illegals in the Netherlands with its own research division. Like the *Sans-Papiers* in France, *Deportation Alliance* and the *Border Camp* are examples of projects that seek to make the plight of illegals visible and associate it with cruelty and tragedy (*No Border*).⁵⁹ The decentered notion of assistance outside of the apparatus or membership of the state embodies a cosmopolitan vision of action, loyalty and identity.

The groups and actors that use the array of anti-racist, pro migrant and anti-border metanarratives tend to articulate a particular vision of the EU that differs from intergovernmental ones. As Kostakopoulou states, the new way of thinking “requires the ‘de-centring’ of sovereignty from what tends to be an unassailable position in immigration discourse and policy” (1998, p. 891).⁶⁰ Thus, policy articulations make explicit underlying discourses of EU integration in general that resist the metanarratives of control. She adds that a reconceptualization of migration, “may have a significant bearing in both the procedure and substance of immigration policy” (1998, p. 892). Her specific proposal is for a ‘multi-vocal design’ involving a constitutional type model and checks and balances that would protect migrants rights in the EU while projecting a more cosmopolitan image.

Finally, the calls by Migration Policy Group for more involvement from NGO stakeholders and the Commission vision for an “Open Method” represent existing articulations of a more cosmopolitan, European and fragmented approach to dealing with illegal immigration. The involvement of NGOs and trade unions is called for given their particular knowledge and expertise of the situation of migrants and refugees (Peers, 2000, p. 13). Specifically, the ‘actors in chain approach’ of the Commission (2001c) or the UNHCR’s stress on ‘international solidarity’ (2001) are examples of policy statements that seek to address illegal immigrants as people in need and the humanitarian reasons for their movement. Others portray the EU as a ‘waterbed’ that requires a common policy to properly deal with a phenomenon, asylum seeking, that precludes separate national policies in a European space.⁶¹ While only the more radical articulations call for an ideal situation of total open borders, the basic message is that border control should be eased, through a common policy, and driven by compassion for the plight of ‘illegal’ migrants.

Assumptions

In any discourse, various elements are marginalized or facts taken for granted. This is equally the case with a cosmopolitan discourse. Aside from the assumptions made about the ‘genuine’ motives of migrants, cosmopolitanism is often rooted in idealistic claims about the patterns of movement that would result. In essence such concerns as public order and nationalism fall from sight within such an alternative discourse. Where societal concerns or borders do come into play the question is how ‘illegals’ can enrich and benefit society. Diversity is considered a good thing in terms of

its contributions to ‘cultural enrichment’ (Niessen, 2000, p. 31). Controls on immigration and illegal immigrants thus struggle to find a legitimate foothold or basis. On the other hand, Bigo is critical of the assumptions of “fortress Europe” that some organizations use to “appeal to the media believing that public opinion will react when it is made aware of this” (Bigo, 1998, p. 156). This insinuates that such fortress image, while plausible, is itself an emotive misrepresentation based on particular conjectures.

Meanwhile questions like the capacity of a nation-states and the EU as a whole to sustain and justify cosmopolitan movement are minimized. The discourse takes for granted the fact that borders are futile mechanisms of control and that ‘illegals’ will always find a way of getting in. Political identity is also taken for granted in terms of Europeans and their self-image as both an example and component of a cosmopolitan world order. It is insinuated that the newcomers are detached from any kind of national identity, especially their original one. Also important is the expectation of a cosmopolitan feeling of identity by those within the EU. Overall, the benefit of the doubt is with those on the move rather than the needs of control.

Marginalization and Compatibility

In the interest of examining the full potential of a ‘mapping’ of discourses it is important to examine the discursive conditions of marginalization. This highlights the focal points of struggle, potential open ends and brings into full view the impact of discursive constructions on understanding. The following examines the nature and impact of the marginalization of cosmopolitan articulations by the control discourse.

Although a full genealogy is beyond the scope and limitations of the paper it is helpful to briefly outline some examples from the history of the EU in order to outline the process of marginalization and foreground issues of 'translatability'. Reacting to the obvious gaps and narrow views of a security discourse, the European Commission has engaged it head on. Since the 1970s the Commission has often been an advocate of humanitarian treatment of involuntary migrants and greater rights and equality for third country nationals. Then President Jacques Delors made bold attempts to put these ideas on to the EU agenda (Papademetriou, 1996, pp. 19-30). Later, a 1994 Commission Communication spoke of 'root causes' and its message as a 'moral voice' with a 'global vision'. It sought to develop a multicultural solution to migration. Its interpretation of Article 8a differed fundamentally from the Members States as free movement and its rights were understood to be applicable to all. With such an understanding of the migrant and responsibility of the EU, the legitimacy of the EU is tied to fair treatment of all free movers while it is constructed as a humanitarian and multicultural space.

An epistemology or ontology centred on illegal immigrants as criminals and threats enables a prioritization of a discriminatory and restrictive migration policy. There is no room for the global citizen, or refugee and asylum seeker tied to international law, in a dichotomy of us/them. Nor is there space for the 'values' linked to Europe and its history. "In a world which is coming together," states the Churches' Commission, "a European context which could not be able to welcome migrants from outside its own continent would entirely deny its own history," (2001). The security discourse and EU policy therefore, "disregard the original meaning of refugee protection, and make humanitarian traditions be reinterpreted as control".⁶² Paul Reynolds of the BBC notes,

“how governments use the phrase ‘asylum’. The old word was ‘refugee’, but that perhaps sounds more favourable to those seeking a new life as it implies that they are fleeing oppression” (Reynolds, 18 June 2002). There is little mention of EU international human rights obligations, its anti-discrimination regime or the racist implications in the fight against illegal immigration.⁶³ Rudge laments that “where the refugee issue collapses into other issues... the human rights dimension is lost sight of. It is extraordinary but true that even in the last decade of the 20th Century it is still necessary to restate *the* obvious: that at its root and in its evolution the refugee question is fundamentally a human rights issue” (cited in Collinson, 1993, pp. 85-6). International human rights standards and traditions are ‘overshadowed’ by articulations of control.

As this paper has noted ‘control discourses’ enable a process in which global pressures of asylum seeking and refugees lead to a harmonized policy based on *restrictive* asylum and visa policies. In the same Tampere Presidential Conclusions that have sparked new Commission activism, the Council reiterated the prioritization of controls.⁶⁴ Silverman highlights an interesting example in France:

The fact that a committee on ‘integration’ should be interested primarily in tighter control appears contradictory only when viewed outside the contemporary logic of ‘integration and control’... more disturbing is the way in which requests for political asylum are being considered purely from the policing and control angle rather than from the perspective of human rights’ (1992, p. 156, 159).

Discourse theory exposes the fact that it is as a result of migrants understood as a security issue that humanitarian concerns were not given a full mandate to affect policy. Thus a human rights discourse had no clout: “In retrospect it is doubtful that the Commission could have pushed successfully for harmonization in any areas other than

those having to do with regulation and control” (Papademetriou, 1996, p. 52). Lacking a discursive nodal point in a political climate of 'anxiety', the Commission was forced to 'retreat' and became a lonely voice, with 'little resonance'; it is described as 'tone deaf' to the reality of the security discourse that held illegals as security risks rather than human beings with rights and innocent victims of unnatural borders (Papademetriou, 1996, pp. 88-116).

Any discussion of the process of marginalization and struggle between discourses needs to take account of the impact of policy practice and operationalization. In this case Foucault's idea about the 'discipline and punishment' of society is important and fitting. A system of control, such as the aforementioned surveillance and social security exclusion shuts out the possibility of humanitarian approaches as a solution (Huysmans, 2000, p. 757). *Autonoom Centrum* notes the impact of controls on denying the possibility for 'illegals' (ie. asylum seekers) to live a legal life leading to a 'vicious cycle' of deviance and deportation: "illegalised migrants could live an almost legal life... most can't leave and are forced into illegality... the Linking Act put an end to the phenomenon that illegalised migrants could live a 'legal' life...". This is followed up by surveillance that reinforces the legitimacy of the representations and mechanisms of control (Ceyhan and Tsoukala, 2002, p. 25-7; see also Bigo, 1998, p. 160; Kostakopoulou, p. 504-5; Amnesty, 12 June 2002). In this sense a circular relationship between the discursively constructed problem and policy practice exists; a system and discourse of control, embodied in border prisons and social welfare exclusion, includes the category of 'illegal' immigrant which these policy practices in turn operate as the solution for. One observer notes that, "in recent years, the steep rise in the *number of illegal immigrants (and therefore potential asylum*

seekers) caught has revealed the increasing need to include their fingerprints in the system” (*Statwatch* quoted in Huysmans, 2000, p. 753).⁶⁵ The discourse of cosmopolitanism thus struggles to highlight the ‘erroneous assumptions’ of working and effective borders and homogenous populations.

The Translatability of Contemporary Cosmopolitan Discourses in Europe

That a security or control discourse is prominent in the prioritization of the fight against illegal immigration is not denied. That it is inevitable, unchallenged and stable is. Given that the cosmopolitan language of illegal immigration is much different, one must analyze whether its discursive elements inhibit exchange and prevent overlap, or suggest *translatability*.

There are certainly many elements of incompatibility that arise upon a review of the empirical evidence thus far. More directly the discourse of human rights is simply nonsensical from a point of view that sees immigration as a threat to *national interests* be they societal, political or economic. The most prominent element of the human rights or cosmopolitan discourse is the notion of ‘no borders’ and the questioning of the nation-state’s right to exclude. When the national or ‘European’ interest is defined as fighting against illegal immigrants it becomes difficult or hard to imagine a ‘global interest’ considering the problems of others in a time of crisis. As an issue made for Justice and Home Affairs and intergovernmentalism, considerations of a more global order or ‘rights beyond borders’ do not seem to resonate with a closed conception of identity in an exclusive ‘area of freedom, security and justice’. Nor is a language of open borders

comprehensible in a discursive context within which the ‘asylum crisis’ and ‘War Against Terror’ are most salient.

Furthermore, the control language of ‘deterrence’, ‘asylum crisis’ and ‘overflow’ in a space in which Europe must protect its own existing liberal democracies and welfare states, makes it incomprehensible to welcome migrants, however natural or justified. It is at odds with the needs and vision of a closed society and welfare state. In many ways the state could be perceived as helpless and incompetent within this discourse. The idea that migrants should be able to seek a better standard of living based on the inequalities of globalization, or that they are forced move to without decision, runs in opposition to images of migrants with devious motives. The language of ‘inclusion’ and ‘openness’ is in stark contrast to one of ‘control’ and ‘exclusion’.

Within the variety of articulations of cosmopolitan discourse in Europe today there are nonetheless some signs of overlap. In one sense similarity can be understood as negative from the perspective of the pro-migrant discourse because of the failure to move significantly from the legitimization criteria and metanarratives that are part of the discourse it is in opposition and resistance to. In terms of articulations by the UNHCR, they not only maintain the need to fight illegal immigration but also the distinction between illegals and the ‘genuine’ asylum seekers and refugees. *Human Rights Watch* is highly critical of the UNHCR’s stance in this way:

To our dismay... their statements seemed to shift from a traditional caution about the immediate or blanket use of the exclusion clause – language considered to be of an ‘extraordinary’ nature ... to an endorsement of using the exclusivity clauses consistently and uniformly... but the organizations recommendation for the rigorous use of the exclusion clauses and other suggestions regarding how to use the asylum process to

snare terrorists merely fuels the impression that refugees and asylum seekers are inherently suspect (August 2002).

The danger is enlarging the positively represented category of 'legals' simply at the expense of, and resulting in the continued ignorance of, 'illegals'. While some are 'freed' or 'privileged', legal migration continues to be understood as a zero-sum game where another group is still depicted negatively in opposition. They can also provide legitimacy to a state's ability to close borders and control foreigners with the use of the 'Fortress Europe' concept to justify their claims (Bigo, 1998, p. 157). Bigo argues that discourses of inclusion such as cosmopolitanism share the governing assumptions of control:

Often discourses 'against securitization' (ie. Fortress Europe) themselves use the basic presuppositions of the discourses they criticize (sovereignty, state...) they contest the content but rarely the formulation of questions... and almost never on the basis of discourse formation rules... discourses concerning the human rights of asylum seekers are de facto part of the securitization process if they play the game of differentiating between asylum seekers and illegal migrants... (Bigo, 2002, p. 72, 79).

Thus one identifiable path of translation or accommodation between discourses is the reformulation not the elimination of discursive processes of exclusion. Essential 'state-centric' elements can remain unchallenged. These articulations suggest a process of reducing and sharpening the category of illegal immigrant. Thus we can identify the difference between the discourse of the UNHCR and those of *Autonoom Centrum* and *No Border* who treat illegals, or asylum seekers and refugees, as equals and human beings not as a category to be more accurately distinguished from truly dangerous immigrants.

Among the varied examples of the cosmopolitan discourse collected and presented in the paper, there are 'more positive' hints of translatability. In articulations that can be described as more 'moderate' and 'pragmatic' the language is of 'balance'.

The call by Amnesty International for example is simply that, “fighting ‘illegal immigration’ must have a human rights perspective’ (19 October 2002). Specifically, most organizations are not calling for an end to the fight against illegal immigration but in various ways are attempting to consider a ‘humanitarian perspective’, especially for asylum process, and give the benefit of the doubt to people in these channels (UNHCR, July 2002). The attempt is made to ‘broaden the rule of law’ to go beyond criminal laws and ignorance of international courts. As the Commission states:

effective action against illegal immigration plays an essential part in contributing to public acceptance of admission for humanitarian grounds by preventing misuse of the asylum system. Nevertheless, the fight against illegal immigration has to be conducted sensitively and in a balanced way. .. so that refugees do not need to resort to illegal immigration or to prospective smugglers (Commission, 2001c, p. 8)

Vitorino states that any policy, “must strike a clear balance between the repressive aspect of fighting crime and respect for human rights and aid for victims” (cited in, Commission, 12 February 2002).

Nor are all articulations focused on a ‘utopian’ world without borders (see Kostakopoulou, 1999). Amnesty International lays emphasis on the fact that the issue involves more of an injection of international law and obligation to existing agreements not necessarily a radical shift to anarchy or a cosmopolitan form of rule. It concludes that “states are entitled to control entry into their territory” in its call for the inclusion of a human rights perspective (12 June 2002). Finally, the discourse of ‘root causes’ and proactive and positive role of international development is something that can be taken up by the EU. It accommodates the notion of cosmopolitan obligations while avoiding

an overemphasis of control and deterrence on movement of people (see Collinson, 1993).

Traces and Reinvestment in the Public Sphere

A series of 'traces' must be made explicit. One is the language of the Tampere European Council in Finland in 1999. Overall, the conclusions and vision of a common immigration policy introduced the notions of interdependence and balance that I identify as key traces for a cosmopolitan discourse. Another is 'Dover' and any number of tragedies like it. In June 2000, 58 migrants were found dead in the back of a lorry heading for this English coastal city. Since then the name of this town has become synonymous with the plight of immigrants, refugees, victims of smugglers and traffickers and the lack of legal channels (see, Vitorino, 9 July 2001; Commission, 2001a, p. 6).

In a more general fashion, actors in Europe, especially the Commission, are laying out traces in their policy proposals and public discourse about the (illegal) immigration issue in Europe. Commissioner Vitorino, following the tragic events at Dover, has made numerous speeches laying out a humanitarian agenda. He urges the Member States to take account of the interactions between economic and humanitarian immigration flows, "... recognizing that immigration is neither a problem nor a solution... It has human, social, economic and political phenomenon... joined together" (17 October 2001). In a recent press release, the Commission stated that "Europe must avoid repeating the 'zero immigration' mistakes of the past, clear proof of which can be seen in the contradiction between the restrictive laws designed to halt the flows of clandestine migrants and the subsequent operations to regularize illegal immigrants" (22

November 2000). Control policies are identified as the focal point for the negative consequences of 'illegalisation'.

Crucial is the injection of cosmopolitan language, such as the idea of 'humanitarian asylum' and the betterment of rights for third country nationals. Both in Vitorino's speeches and in Commission communications, a message of 'balance' is formed with consideration given to accommodating security, humanitarian and economic concerns (Vitorino, 20 July, 2001). Speaking about harmonized policy and 'fair treatment', even in terms of the fight against human smuggling, is not so outlandish. The language used hints at the existence of traces that can be taken up by actors, especially NGOs and human rights organizations, to improve the position of the discourse in the European context.

Signs of Discursive Shift

In fact, one can go beyond these observations and argue that such traces have been laid down in the debate in Europe in such a way as to suggest a discursive shift is underway. With this in mind, it is beneficial to highlight some specific examples of discursive articulations that are symptoms of a change in the construction of the DNP around illegal immigration. The node centres on the tragic events in Dover, an event that supplements the policy options of the Tampere conclusions.⁶⁶ In their arguments groups like Amnesty and *Human Rights Watch* focus on the balance promised in Tampere, specifically articles 3 and 19, as well as article 39 from the Laeken Presidential Conclusions (Amnesty, 12 June 2002).⁶⁷ As Elizabeth Anderson, Executive Director of HRW for Europe and Central Asia argues, "Senior EU officials must live up to the

promises made at the Tampere European Council in 1999. That meeting reaffirmed the very principles upon which the EU was founded – human rights, democratic institutions and the rule of law. The current treatment of migrants in Western Europe betrays these principles” (13 June 2002). Again, in its latest 'communications' the Commission ties its efforts to the Council's conclusions from Tampere: “The European Council... acknowledged the need to ensure fair treatment... With this proposal, the Commission is giving practical expression to its intention and commitment... part of a broader effort on immigration which the Commission has been making for several years now.”⁶⁸ Such a shift is evident not only in the EU's but also other international organizations actual use of the idea of ‘irregular’ migrants as ‘victims’, witnesses to trafficking and potential asylum seekers in policy proposals and conferences (OSCE/ODIHR, 15-16 October 2001).

Indeed although cosmopolitan ‘interests’ are not given much prominence in academic study, signs of a shift are underway. The Churches’ Commission posits that, “in comparison to previous attempts to launch such a similar discussion both the political scene and public opinion have become more open to the subject” (Churches’, 2001). Meanwhile, the *No Border* group observes an interesting trend, that “fascinated by the French example [the *Sans Papiers*] European public opinion is beginning to shift...social, politically radical or alternative movements are attempting to find articulation”. The organization is also keen to point out that its efforts and discourse contributed to the closing of the *Via Corelli* Deportation Camp in Italy: “obviously, widespread anti-racist mobilization has ... brought about formerly unimaginable

concessions for the illegals” (*No Border*, 2000). Actions at borders and the support for illegal immigrants are playing their part in making alternative images visible and debated.

The mapping of discourses is crucial for showing that human rights are spoken of ‘alongside’ security concerns. There is an active shift incorporating the counter-discourse. A cosmopolitan discourse is important as part of an explicit resistance by leaders such as France, Sweden, Finland and the Netherlands against proposals that would link foreign aid for third countries to reducing migrants and increasing security measures. The Swedish Prime Minister Goran Persson, called the proposals ‘stupid’ (*BBC Online*, 22 June 2002) while in Britain, the International Development Secretary Claire Short characterized the proposals as “really a very silly idea... It’s morally repugnant to... hurt the poor of the world. I think it’s gone” (Black and Watt, 21 June 2002).⁶⁹ This proposal was dropped as Short expected. Furthermore, the fact that a wide range of actors not only consider it legitimate but are also in the process of operationalizing these considerations is an important phenomenon to take note of. Koser and Lutz had already hinted at an even broader phenomenon of shifting discourse:

In every European society discourses of domination can be distinguished from discourses of social inclusion and resistance to exclusionary forces. All over Europe, people have engaged in developing anti-racist and anti-nationalistic strategies and providing (material and emotional) supply and shelter. One example is the sanctuary movement for asylum seekers, a phenomenon which could be interpreted as an indication of the transnationalisation of identities and loyalties. Without denying the sometimes devastating consequences of immigration constraints on the individual, emphasis therefore needs to be placed on the opportunities resulting from migration movements... migrant writers are increasingly successful in challenging national discourses by inscribing the ‘other’ into the

existing selective and exclusive European cultural discourse...
(1998, p. 14).

Such discursive articulations and shifting imply an improved position for this discourse in Europe and that actors are reinvesting it in policy articulations. This is significant given the power of language and unforeseen consequences of any articulation. The Commission of Romano Prodi provides evidence that the humanitarian vision continues to engage the security discourse and attempts to inject an alternative understanding of migration into European integration debates. The discovery of 'traces' and tentative reinvestment by bodies within EU power structures, such as the Commission, suggests that the EU's current discourse may be a 'strategic stutter'.⁷⁰ Contemporary articulations of cosmopolitan discourse are clear indications of the presence and take up of a contending discursive nodal point.

CHAPTER 4

Discussion and Potential

The systematic (re)examination of the contemporary discourse of ‘control’ as well as two key alternative or counter discourses helps to answer the research questions posed at the beginning of the paper. This concluding chapter summarizes, with examples from the preceding chapters, the benefits of discourse analysis relative to typical political science approaches as well as the lessons of this study. Along with an elaboration of the potential value of this study, the affinities between liberalism and cosmopolitanism that would enhance or modify their status as discourses of illegal immigration in the public sphere are discussed. There are, of course, a number of problems that remain. The following section thus takes on the criticisms of rationalist political and social science and addresses other weaknesses. Ultimately, the conclusions of this paper provide a stepping stone for further research on illegal immigration and strengthen the validity of a post-modern call for a greater plurality of approaches in the social sciences.

Implications and lessons

The study of a range of possible discourses of illegal immigration highlights the benefits of the approach. First of all, a discourse analysis at the level of contending systems of representation provides some satisfying and interesting answers to the overarching research questions of the essay. The process of comparison and contrasting demonstrates the contradictions, contingencies and marginalizing properties of *all* of the discourses that were examined. An analysis of the free market discourse makes it evident

that the discourse of control is itself constructed with assumptions that overshadow the 'realities' of a globalized economy and the need for free movement to the functioning of a European Common Market. Also, existing human rights obligations must be marginalized in order for the control of 'bogus' asylum seekers and people seeking a better life to be legitimate. Even the alternative discourses, especially in their more radical forms, are exposed for their own process of 'counter-marginalization' in terms of the trivialization and stigmatization of issues such as the welfare state chauvinism, public order and fiscal sustainability.

At a basic level, this study reinforces the value of discourse analysis in terms of its ability to highlight how rethinking or reconceptualizing a problem is part of finding different solutions. One need only recount the goals of discourse theory to know that the primary goal is not to discredit or propose dominant meanings but to provide a more sophisticated framework for thinking about them. This study uncovered the fact that in a single political concept, 'illegal' immigration, a plethora of different meanings exist. The issue of meaning is just as important as the presence of the term 'illegal'. Although a number of different labels were identified such as the 'economic migrant', 'labourer', the 'asylum seeker', 'victim' and the 'nomad', the study was as Morrison and Crosland noted, about the 'same people'. Thus the strength of discourse analysis. Its ability to focus on the struggle to fix the meaning of concepts uncovers and breaks through the confusion surrounding the categorization of migrants.

Discourse analysis is also beneficial as a result of its ability to provide a broader picture of the politics and debate surrounding the issue of 'illegality'. As this survey of the immigration 'problem' in Europe has outlined, policy makers have traces available

that are ready to be 'reinvested' with action. Based on a review of free market and human rights discourses, politicians can turn to a series of policy options. These alternatives have simply been marginalized and forgotten in the context of contemporary assumptions. Rather than simply being an issue of surveillance and the deployment of more manpower to the external border of the EU, it is also an issue that is 'rationally' associated with labour market and demographic policies, the obligations of the 1951 Geneva convention and the opening of legal channels of migration. The examination demonstrates that the range of policy options is broad and widening, an observation downplayed or missing from many positivist accounts.

Discourse theory demonstrates its value as one methodological tool for understanding key problems facing the EU today. Its analysis of how the EU currently deals with the issue of illegal immigration, as a security 'problem', challenges the permanence and 'truth' this policy is associated with. 'Illegal' immigration is exposed as a concept defined by 'myths' and taken for granted facts embedded in discourse. It is alternately a sign of an 'asylum crisis', 'demographic deficit' or 'humanitarian tragedy'. The study went further based on the ability of discourse analysis to not only assess the meanings of alternative discourses and the fundamentally different visions of migration they present, but also to elaborate on the real and existing possibilities for a change and evolution. Discourse theory proves its worth for academics and policy makers seeking additional ways of thinking about problems whose current policy prescriptions are far from canonical universal truths or appropriate 'solutions'.

Benefits of Discourse Analysis as a Supplement to Orthodox Political Science

The unresolved questions of many positivist or rationalist studies of immigration, especially those with a focus on interests, institutional issues and the legislative process are evident. With an understanding of security discourse and the implications of the articulations of key actors, it is obvious how institutional theories fatally ignore the power of discourse. The placing of illegal immigration in the security based Justice and Home Affairs pillar rather than General Affairs or Social Policy is an example of how the discursive link between illegal immigration and security is works. The dilemmas faced by the EU as it struggles to adopt a common stance on immigration issues are rooted in discursive formations around issues like 'illegal' immigration. An entire set of discursively based limitations are uncovered which question the ability of inquiries to fully understand the feasibility and impact of institutional changes at the EU or national level.

With a poststructuralist analysis in hand, the aforementioned actions, an ad hoc policy development, discriminatory policies and the dominance of intergovernmentalism are exposed as legitimated by interests embedded in a particular knowledge of the illegal migration problem. Discourse enables interests to be channelled into particular EU institutions. Since illegal immigration is understood as a *security* problem and *sovereignty* issue like the Common Foreign and Security Policy, it is legitimately placed within these decision-making structures or often dealt with outside EU structures completely.⁷¹ Institutions are mobilized, such as the fingerprinting and detention of asylum seekers, to serve roles suited to their purpose like divisions of an army in a defensive battle (see, Bigo, 2002). The strength of the approach is that it is able to sift through rhetoric of

politicians to expose racism and contradiction implicit in the construction of immigration discourse. Again, the inclusion of discourse analysis among a plethora of approaches is warranted because of this added value. The questionable links between facts represented in various articulations and ‘reality’ justifies such a characterization.

The approach also provided a starting point for those who take up the issue of illegal immigration as an emerging policy issue for the EU as a whole. This leads to a key conclusion of the analysis, that a struggle to fix the meaning of the issue is certainly underway in Europe. Illegal immigration has proved itself to be a perfect area to be judged at the level of contending representation and alternative discourses. “‘Illegality’ is not an objective concept,” as Hailbronner puts it (2000, p. 161). Beyond a working definition focused on a strict interpretation of ‘violating a law’, the definitions of many political scientists pass over how the meaning of ‘illegal’ is actually ‘unstable’ in European debates. As King comments:

For some [illegal immigration] represents the growing undesirability of ‘mass’ migrations and the need to control and manage migration in the face of apparently increasing pressures for people to migrate. For others it is almost the reverse – a reflection of the fact that the ‘natural forces’ of migration will always overcome regimes of control and containment. Hence is it something to be repressed or a phenomenon to be creatively managed? (King, 2002, p. 93).⁷²

It is a helpful tool in grasping the debate and contentiousness around DNPs, ‘focal points’ (Ceyhan and Tsoukala, 2002, p. 26), catchwords, keywords (Bigo, 2002, p. 76) or ‘meta issues’ (Huysmans, 2000, p. 761) like illegal immigration. In the least the study has proven that illegal immigration is a DNP in the process of EU integration. Understood in this way, the particular discursive formation of a contested concept shapes the image of EU governance of the issue, its self-image as a polity, and role in international affairs

and development. Free markets, security and cosmopolitan principles are all elements that the EU is struggling with as it grapples with the problems of integration. Discourses on particular issues evidently clash and contradict official discourses of the EU in regards to the ethic, goals and processes of decision-making. To ignore the range of discourses abundant in Europe thus misses significant potential signifiers for how integration happens and is perceived.

The study also exemplified the ‘traces’ that are present in the control discourse that create a potential for change and have already been ‘reinvested’ by key actors. In essence it has raised the spectre that articulations are establishing the conditions of translatability and change that the approach keeps a keen look out for. As was laid out at the beginning of this paper, positivist approaches are not well suited to fully conceptualizing change. The increasing consideration of immigration as an economic issue and the burgeoning support structure for illegals questions the ability for security interests to provide a universal explanation for policy in this area. The notion of balance in both alternative discourses is significant in terms of the possibilities for unintended consequences and unpredictable shifts. EU and member state leaders increasingly refer to ‘illegals’ as victims or potential solutions to the employment problem. The additional knowledge provided by this discourse analysis provides an enhanced and expanded understanding of how the discourse and policy on illegals works and is changeable.

The Rationalist Critique of Subjugated Discourse Analysis

Aside from the more general critiques of the qualitative or humanistic approach to social science, such as its relativity, selectivity and generalizability, there are two types

of criticisms that challenge the reliability of a discourse analysis. One comes from other pioneering alternative approaches, such as governmentality and the second, a rejoinder by rationalists.

Beginning with the latter, since much of what discourse analysis focuses on are elements, such as language, that are treated as ‘exogenous’ or transparent by rationalists, it is no surprise that the replies of many rationalists are based on methodological and ‘social science’ standards. Discourse analysis has been labelled as ‘bad science’, a ‘deviant community’, dangerous, ‘prolix and self-indulgent’ (Milliken, 1999, p. 227; see also Keohane, 1988).⁷³ From the perspective of the positivist social scientists, the critiques are, on the surface, appealing. For example, Moravcsik’s charged rebuttal to Diez labels post structuralism and postmodernism as abstract, untestable and insulated methodologies that are entirely in the imagination of their purveyor and therefore not social science (Moravcsik, 1999). The demand is for ‘parsimonious, falsifiable and testable theories’ (Diez, 1999a, p. 356; Moravcsik, 1999, p. 389). Furthermore, the post modernists are ‘nihilists’ in the sense that they only criticize and do not offer their own structural theory or alternative explanation of reality to fill the ‘void’ that they create. The modern goal of a ‘grand synthesis’, of which many political scientists continue to strive for, precludes such an approach from consideration as part of the modern social scientific endeavour.

While the counter-criticisms of positivists like Moravcsik raise some important issues, such judgments miss the point. The fault lies in assessing discourse analysis solely on rationalist and positivist grounds. These types of criticisms misinterpret the goals of this and other papers by associating them with truth seeking and truth asserting habits of

many traditional social scientists. In other words, the discovery of fault is inevitable since discourse theory is being judged on rationalist grounds. Rather than putting debate to rest and confirming a hegemonic role for the conclusions of social science research the discussion further clarifies the symbiotic relationship between the two approaches. They are two different yet *complementary* methodologies that should be considered for the contributions each obviously makes toward providing understanding. The inclusion of discourse analysis amongst a plurality of other approaches examining immigration and issues of public policy in the EU is not part of a 'zero-sum' academic game. Since it carries with it new methodologies, questions and goals a traditional debate should not be expected. Instead, discourse theory is merely attempting to make a contribution to the general effort of all social scientists and fulfill one of its key roles, to force policy actors and academics to reflect on any claims of having 'discovered' a 'rational' policy or a 'natural' reality.

Furthermore, rationalist positivist critiques like those laid out above are not as strong ontologically as is presented. There is little doubt that by its own standards rationalist theory presents a series of beneficial lessons for immigration trends and policy. Also, there is no doubt that the barriers, racism, and labels associated with the illegal immigrant in any one of the aforementioned discourses (especially control) are very real to the actors, citizens and migrants who are affected by or reify them (Diez, 1999b, p. 603). Instead it is the 'neutrality' of the language that is challenged. Thus, discourse theory merely seeks to stress the contingency and diversity of rationalities rather than to deny reality as observed by positivists. A multiplicity of possible discourses combined

with the idea of the embeddedness of reality simply questions the inevitability and naturalness of any ‘objective’ observations.

A related series of critiques are those that would say that great events like the September 11th terror attacks, the oil crisis of the 1970s or the recent arrests of rejected Algerian asylum seekers in UK raids on suspected terrorists fuel the policy developed by governments. Shifting interests, some researchers declare, dictate policy rather than shifting discourses or the result of struggles between them. Numerous actors in this study also claim that any alternative must first wait for a “more favourable political climate” (see, *The Economist*, 31 March 2001). Both criticisms can be handled by discourse analysis. In terms of events, discourse analysis discovers that the basis for decision is not necessarily interests but ‘pre-decisions’. After the oil crisis that prompted the ‘stop’ or, more recently, September 11th, a discursive context was *accentuated*. Reactions were legitimized by an *existing* control discourse (Kostakopoulou, 1998, p. 888; Bigo, 2002, p. 76; HRW, 13 April 2002). Another issue to be discussed is that of incorporating history and historical discourses as ‘discursive constructions of the past’ (Larsen, 1997b, pp. 23-4). Furthermore, as Collinson notes, political culture is not static and relevant actors tend to enhance feeling through discursive practice and articulations (Collinson, 1993, p. 89, 90; see, Amnesty, 12 June 2002).

This highlights a key issue of political leadership and the need to prompt debate highlighted by many authors. This study did find it difficult to find governing politicians who adopt the discourses of free markets and controls when referring to illegals.⁷⁴ This can be identified as the lack of political leadership and fear of adopting a dangerous electoral position. *The Economist* observes that, “For the moment, Europe’s politicians

show little indication to be brave. How many British politicians advertise the fact that, in terms of the number of asylum seekers it accepts... Britain lies half way down the EU table? How many German politicians remind their citizens that as many foreigners, including lots of refugees, are now leaving Germany as are coming in?" (6 May 2000a, p. 21). Scholars such as Bigo note that the fear of enhancing the status of the far right is a concern of the mainstream (1998, p. 156). Discourse analysis prompts the following question: why do mainstream political actors and parties rarely articulate alternative discourses? Migration Policy Group, the European Commission and others do in fact make repeated calls for the need for leadership in the context of a 'European effort' (MPG, April 2002, p. 12). They characterize their agenda as seeking to spark a debate that involves a wider range of issues including economics and human rights organizations. Who does and does not take up particular discourses is potentially important. A discursive representation linking certain metanarratives to illegal immigration is a marker of political leadership or a sign that it is lacking.

Another related issue is that of 'imagination' and the naïve coverage of 'irrelevant' discourses. In other words, why study free market and cosmopolitan views of illegal immigration when the empirical evidence so clearly shows that 'control' interests are key and prevail? The essential thrust of such a critique is that if empirical evidence shows that 'constraints' to alternatives exist, why falsely boost or focus on them? These critiques are then tied to the 'bias' or 'overt imagination' of the author. The issue is based on the idea that alternative discourses only rarely translate into policy.⁷⁵ "Devoid of hard legal powers," writes Joppke, "the human rights regime consists of the soft moral power of discourse" (1998, p. 268). It would be naïve to deliberately ignore such constraints if

empirical evidence shows that these limitations and weaknesses exist as well as exaggerate or invent future possibilities. Moravcsik suggests that “it would run the risk of encouraging European activists... to waste their energy with strategies doomed to fail. Surely one of the most important tools of a social critic and activists is the ability to distinguish goals that are relatively difficult to achieve from those that are easier” (Moravcsik, 1999, p. 387). This paper can be criticized as being biased and based on an agenda to ‘imagine’ and exaggerate alternatives while deliberately discrediting ‘control’ approaches to illegal immigration.

A reply focuses on the issue of the value of study and true motives. In terms of the worth of studying ‘subjugated discourses’, the discussion of all three discourses shows that discursive transformations are a possibility. Traces are being taken up and reinvested such as the need for foreign workers, recognition of the plight of smuggled migrants and proposals for a Community immigration policy. Thus, ‘real’ constraints on change may not be so durable. In fact, the strength of discourse analysis is exemplified by its ability to highlight *discursive* constraints that can inhibit the translatability of a discourse. Herein lies a lesson for ‘strategies’ rather than misdirected advice. Discourses that adopt the key concepts and legitimating criteria of a ‘hegemonic’ discourse are as much a ‘waste of time’ as those burdened by non-discursive obstacles. Of course not all are like this. Discourse analysis is aware of such issues and makes them explicit and discusses the implications. Up to this point, given the lack of in depth studies of ‘marginalized’ discourses, such criticism is premature.

In terms of bias, I have avoided presenting alternatives normatively or assumed change to be necessary or ‘changes for the better’. Criticism is in the interest of debate

and challenging the stability of knowledge rather than advocacy; this is a clear strength of this approach as each discourse may ‘close one gap’ but open up others ‘based on the language employed’ (Diez, 1999b, p. 605). The paper highlighted the critical elements of ‘control’ in existing literature. However, the reader was also made aware of the discursive dynamics, weaknesses and assumptions of ‘free market’ and ‘cosmopolitan’ articulations. Beyond that, combinations and overlap highlight that homogenous and permanently fixed discourses are unlikely. For practical reasons a genealogy was not possible in such a study. Still, the process of discursive marginalization as well as a discussion of some extended longitudinal studies outline that alternatives such as free market liberalism and cosmopolitan have a history in Europe.

The critical approach is also not nihilistic. This study simply provides an understanding of the discourses of illegal immigration at work in the EU that was previously lacking. The image presented by this paper is of a diversity of reason rather than chaos. Examining the range of articulations is significant based on the understanding of how change relates to discourse. Diez describes change as “more like a glacier... it is the structures that allow for a very limited range of concrete articulations. But with each of these articulations these structures are themselves transformed a bit, and after a long time span, the glacier/discourse is no longer what it used to be”(Diez, 2001, p. 31). Regardless, for those reading such works, the stance does not preclude them from making the strongest possible case for one of the discourses or for that matter a combination (Connolly, 1993, p. 227).

The Governmentality of Unease and the Inscription of Movement

Criticisms are not limited to those operating within the rationalist camp. There are also problems posed by what can be called *governmentality* literature.⁷⁶ One critique comes from the work of Bigo on security and borders (1998; 2002). He contends that alternative discourses are *already known* (Bigo, 2002, p. 65).⁷⁷ Yet the simple recognition of them is not enough to change a focus on control. As Bigo states, “despite the many critical discourses that have drawn attention to the securitization of migration over the past ten years, the articulation of migration as a security problem continues” (2002, p. 64). He adds, “some ‘critical’ discourses generated by NGOs and activists assume that if people, politicians, governments, bureaucrats and journalists were more aware, they would change their minds about migration and begin to resist securitizing it” (2002, p. 74). Thus the focus should be on the routines and the day to day practices of bureaucrats and security professionals in order to understand how discourses work and dominate in practice.

A related set of criticism and problems is based on the work of Latour and others whom William Walters takes up in his work on ‘inscription’. Walters asserts that while discourse is a valuable academic tool in the study of the European integration and its policy development he fears a ‘textualism’ and says that “an exclusive focus on texts – particularly policy documents, media commentaries and so on – can be too narrow, and at worst risks providing a kind of fetishism” (Walters, 2002, p. 89). He criticizes the “failure to explore the way that language intersects with other, more conventionally ‘material’ dimensions of the real... how knowledge relates to power... [and the] problematic consequences for understanding how... geopower is actually produced”

(2002, p. 89). His idea is to focus on the ‘mundane’ and material dimensions of discourse to show how it is actually practiced and interacts with power.

There is no doubt that the problems raised by such critiques remain upon the conclusion of this study. Aside from the fact that such a limited study can not hope to take on such a broad set of research questions there are numerous replies to these criticisms that clarify the importance and validity of discourse analysis. First is the fact that the assumption from Bigo that alternative discourses are well known is too bold. Rather, as Diez says “the language of day-to-day politics may well be ahead of our minds” in trying to figure out ‘illegal’ immigration (Diez, 1999b, p. 609). Without assessing alternatives in full, and any traces, an understanding of the range and implications of discourses is lacking. While Bigo may be correct in stating that the discourses are known, in the sense of their presence in the public sphere, since the tools of discourse analysis have yet to be applied little is in fact known about *how these discourses actually work*. The research has uncovered new evidence about discourse, including interdependencies, assumptions that influence its use, policies which follow and the possibilities for change. Specific articulations of smuggled and trafficked migrants uncover interesting dynamics at work. Combinations of ideas like ‘management’ and ‘patterns of mobility’ reveal much about what helps and hinders translatability. There is an underlying assumption of homogeneity and fixity of a ‘dominant discourse’ that is rejected by discourse studies when the construction of subjugated discourses is actually probed.

In regards to real existing influence, there are obvious political and sociological reasons why certain discourses and alternatives may fail to have a ‘policy’ impact. These

include structures, political party systems, the structure of the media and others behind the issues of overlap and change that this study highlighted. In summary, one could obviously combine discourse analysis of illegal immigration with more conventional rationalist and political science approaches studying these issues. Of course, as I discuss later, more research needs to be carried out in terms of sources, metanarratives at work, national particularities as well as the discursively created 'subject identities' behind policy articulations in the EU.⁷⁸ The scope of this study limited its ability to cover all of the possible actors and angles of articulations. My task was limited to a discourse analysis at the level of contending systems of representation, unlike any other study on the topic of illegal immigration.

The Study of Discursive Affinities and 'Hybrids'

Another potential of this research is found in the playing off of the alternative discourses with each other. Much of the discussion in Chapter 3 focused on comparisons of the alternatives with the discourse of 'control'. However, when one looks at a comparison and contrast free market and cosmopolitan discourses, despite some obvious differences in emphasis and policy, they have a number of affinities that suggests the possibility of something like a 'hybridized' discourse (see Milliken, 1999, p. 245). Such a 'hybridization' could enhance both their status in the debate and produce the conditions for resistance and social change. Nevertheless, the processes that make translatability more likely hints at the dilemmas faced by counter-discursive actors.

Beginning with the issue of affinity, the metanarratives around the issues of borders, state, markets, politics and society are defined, combined and reinserted in the

debate by both alternative discourses in a way that delinks them from an emphasis on control and exclusion. The image of open borders, a reduction or shift in the nature of the state, freedom, multiculturalism, laissez faire governance and individual autonomy are concepts that can be part of each others discursive formations around illegal immigration. Both have elements that resonate with more liberal visions of citizenship and anti-discrimination as well (see Huysmans, 2000, pp. 752). Libertarian language also seem to be an area of overlap between the two especially in terms of the focus on civil liberties and individualism outside of group characteristics, regulation of government or a central identity. In neither case is it considered legitimate to reject those 'seeking a better life' who have been 'forced into illegal channels' of migration in the first place. Others have already written on such issues as liberal egalitarianism and the need for the consistent treatment of both capital and people (see, Barry and Goodin, 1992). In the struggle to define the true character of Europe both would be compatible with a vision of a post-national, multicultural or individualist project. The debate on citizenship in Europe is itself a discursive process that may lay out cosmopolitan and more liberal views of citizenship and rights in society.

Crucially, both discourses have related uses of metanarratives of globalization (Niessen, 2001, p. 423). Huysmans' vision of the 'nomad' and Mateos' metaphor of the 'Mediterranean caravanserai' highlight the potentials for overlap.⁷⁹ Jan Urry speaks of mobility as "the metaphor of contemporary global society" (cited in King, 2002, p. 101) He adds that, "life is a trip engaged on by contemporary capitalist nomads moving through fluid deterritorialized spaces" (cited in King, 2002, p. 101). The categories of

‘incomplete migrants’ or ‘strangers’ both relate to a language of migration that is fluid, denationalized and less threatening.

Both also have a ‘positive’ approach to migration. The language of ‘inevitability’ in both discourses makes it possible to ‘blend’ human rights and free markets and make sense of the increasing porosity of borders. Problems are defined in the context of the perils of a globalized world rather than of migration in particular:

The uncertain quality of frontier controls should not lead to a quest for total security but more reflection on possible options. A free society, it must be remembered, is one with open frontiers, open minds and plural identities. This implies both that behaviour is adaptable and that there must be acceptance of illegality at the margins. Whether European politicians accept it or not, a free society now implies tolerance of international phenomena decoupled from territory, characterized by transnational networks and the penetration of national territories (Bigo, 1998, p. 161)

The four freedoms can be seen to accommodate flexible commerce as well as a set of ‘basic rights’ for all peoples on the move. The ‘hybridization’ of the two discourses is evident in this article by *The Economist*:

A better response... would be to admit that there are compelling moral and economic arguments, why people from poor countries should be allowed into the rich ones. The world has made the movement of goods, money and ideas free but not strangely the movement of people. It is both right to give desperate people sanctuary and rewarding to welcome new citizens... [they] bring ideas, vision and ambition as well as their... labour (31 March 2001, p. 15).

The evident combination of ideas of open borders and freedom highlight how free market and cosmopolitan discourses can form a ‘hybrid’. This affinity is based on their mutual reaction the discourses of control.

Such a discussion exposes a binary or nexus ignored by a positivistic tendency to categorize the European debate into ‘Fortress’ or ‘Sieve’ Europe camps. Be it a free

market understanding of a global economy or the cosmopolitan vision of a 'global citizenship' and basic human rights, it is possible to identify a discursive impact on the European debate. A discussion of any issue involves, among other aspects, different 'realms' such as politics and economics. Aside from illegal immigrants, foreigners and citizens, there are potential consumers, fellow citizens, taxpayers and employees. In terms of the alternatives highlighted in this paper, identity is detached from nationality to emphasize one's economic value or humanness. When the language and discursive context shift, alternatives are visible. Complexities of economic sovereignty or the ignorance of human rights obligations are less controversial and inhibiting when the representation of what the problem is changes.

As a result there is an impact on how the debate is framed in Europe. It is not defined as pro or anti EU or pro or anti illegal immigrant. Such a combination hides the diversity of debate as well as its translatability. Discourses of human rights, free markets or a combination of the two allow for 'pro' voices in terms of economics and cultural benefits, that would be transnational in emphasis, while maintaining a political and social link to nation-states. It is not presented as a black and white issue of being for or against the nation-state. This calculus would be based on a renewed emphasis on economic and cultural criteria. In this way discourses can combine metanarratives in such a manner as to make arguments in favour of open borders, EU competence and the contributions of 'illegals' without infringing on other 'sensitive' realms, such as sovereignty over social policy or the importance of the state in combating international crime and terrorism. The questions raised emphasize legitimate ways to manage illegal immigration at a

transnational level while maintaining the overall integrity of national sovereignty in other dimensions.

Turning to the issue of discursive dilemmas involved in hybridization and translation, very real discursive constraints are also brought out in terms of the degree of overlap of the alternatives with a discourse of control. Discourses such as those of the UNHCR, that fail to move significantly from the DNPs of control, are possibly self-limiting. In other cases, the 'sharpening of categories' (Collinson, 1993, p. 91-3) is identified as part of a process of accommodating different discourses with each other. Therefore the mapping and comparison of discourses reveals a common discursive property and predicament; each has, to varying degrees and styles, 'included' migrants on the one hand and the 'excluded' on the other. Throughout this paper, the importance of the 'legal-illegal' binary has been stressed.

At this point it is necessary to highlight the importance of this binary to an understanding of translatability. While the emphasis of Chapter 3 was on the reformed image of the 'illegal', it became evident that in order for discourses to better accommodate each other, especially relative to the 'control' discourse, an important and common discursive element was the maintenance of inclusive and exclusive categories. These include 'skilled' and 'unskilled' or 'victims' and 'genuine illegals'. It was simply that the boundaries of categories shifted. In any 'hybrid' it seems that this binary is an important and common element to watch out for. Even more liberal or cosmopolitan policy articulations, especially those whose language overlap more significantly with that of control, rely on enhancing the status of 'new' legals by further contrasting them with 'illegals'. However, as Bigo and Silverman have discussed, such a strategy risks

reinforcing the essential elements of governance, bias and emotive language that legitimize the control discourse (see, Silverman, 1992, p. 161-3, 166-70 and, Morrison and Crosland, p. 96).

The Issue of Combination

Although the post-modern approach of discourse analysis has withstood claims by political scientists that it is irrelevant, the discussion has yet to elaborate on the question of overcoming barriers between the two approaches. This is difficult since most of their defining characteristics seem to place them in direct opposition to each other. A merging is a debatable topic that produces two sides.

On the optimistic side are those who, rather than have political science adapt to or accept discourse analysis, argue that post-modern research must become more scientific. They assert that a research program for the field is needed to 'merge' poststructuralist methods with empirical studies and overcome the inherent social scientific weaknesses of the former (see, Jorgensen, 1997, p. 1-8; Adler, 1997). The 'Achilles Heal' of discourse analysis is that it has a reading of the social scientist's duty that positivists question rather than any particular flaw in the overall ethic or approach. The view of some critics of this stance demonstrates the value of rejecting a closer relationship.

One group of critics are realists that snub a 'merger' based on a core set of beliefs they will not diverge from. This group, including Moravscik, would support the banishment of post-modern approaches from the halls of social science research. A more progressive group argues that there is an inherent value in maintaining a

methodological distinction yet academic dialogue between the two approaches.

Adopting a critical approach directed at understanding discourses in the public sphere is a valuable role that is sacrificed in any attempt to accommodate scientific methods. If a grand theory is something to be avoided by an approach like discourse analysis, why take part in creating one? Defining post modern approaches as part of a 'new social science' threatens its purpose of offering a continuing challenge to dominant understandings as well as contributing to the evident need and value of a plurality of approaches deployed to study any one issue. It may be criticized for its inability to plug into causal formulas or replication, but discourse analysis has demonstrated its worth as a complementary methodology.

From these arguments it is possible to infer a more plausible and logical approach for a division of academic labour. This involves viewing the two theories as existing in a symbiotic relationship that serves a shared purpose in studies of public policy and emerging forms of governance. Understanding postmodernism as a challenge is misleading and misdirected. Discourse analysis should not be considered as an end point in a greater academic mission towards truth. This style of criticism fits well with the overall approach of discourse analysis as it is not after a single grand theory but desires to take up a crucial part in academic dialogue. In this way it *encourages* and validates new approaches. Existing understanding is enhanced and contextualized with the linguistic angle better understood. The fact that methodological approaches take different journeys and exist on 'separate tracks' does not deny the fact that the tracks are in the same territory, in the case of this paper, immigration policy in Europe, and heading for the same destination, understanding. The critical character of discourse

analysis assures that necessary and valuable accounts of 'reality' are qualified. This paper has made a further contribution to enhancing the academic dialogue not crowding it out. The two methodologies need not be combined to accomplish academic goals.

New Research Possibilities

There are three questions that must be asked given the implications and lessons of this study. How might policy makers shift the debate? What are the research questions that must be asked? What does this tell us about the wider context of European Integration? In this exercise, discourse theory demonstrates its ability to go beyond deconstruction and be a useful part of integration studies as a whole.

It has already been stated that this study is in fact replicable. It is also a good basis for further research given the option of expanding on the types of sources, concentrating on particular texts, taking on a particular actor or group of actors, or examining even more contemporary discourses. The value of an abundance of approaches and division of academic labour is great and the possibilities for new research expanded. Be they studies of the impact of the new transnational level and 'communitarization' of immigration policy and the new 'opportunities' for lobbying pro-migrant voices (Geddes, 2000; Favell and Geddes, 2000), European Union foreign policy analysis (Larsen, 1997b), security studies (Waeber, 1996), NGO agendas (Niessen, 2001), governmentality (Bigo, 2002), media studies and content analysis in the communication sciences (Kaye, 1998) and economics (Ghosh, 2000) all are put into perspective. The apparent left-right consensus of 'control', or what Hutton refers to as an 'unholy alliance' among national political parties, is another interesting avenue for research (23 June 2002;

see Silverman, 1992, p. 96, 138). Finally, the process of discursive shifts must be studied in the form of a genealogy to determine whether a single set of interests is dominant or if the discourses studied in this paper 'echo' over time (see, Bigo, 2002, p. 84).

It has already been suggested that discourse analysis is also important for what it says about the wider issue of EU integration. EU institutional structures and relationships could easily accommodate either one of the alternative discourses mentioned. However, the positive, progressive and the ideal discourses present in other EU policy domains such as monetary union, have either been ignored, inconsistently applied or inverted in the immigration debate. When the dominant discourse is connected to the wider concepts of EU integration it is established that the process of integration, although typically understood as a positive and progressive and liberal force, can in fact be a tool for discrimination, self-interest, fear, restriction and regression. The Schengen process and asylum laws are in many ways hijacked by the discourse of 'control'. Of course some events are so significant, unexpected and contingent as to radically change or entrench a discursive context almost out of nowhere. Thus it may take another event like Dover, or labour or demographic crises, to provide the necessary nodal point for change, just as September 11th served to reinforce a discourse of control. In the least the sources and availability of alternatives as well as the possibility of actualizing them are known and the contingency of current 'truth' exposed.

Also of interest is the issue of discursive affinity in terms of the study and understanding of European integration as a whole. The idea of 'control' and the security deficit of an internal market would not necessarily resonate in combination with certain discourses on European integration. A 'network' is an example of a discourse on

European integration that would resonate with the free market notions of economic flows and the cosmopolitan notion of existing transborder links of migrants. Perhaps the discourse of 'control' is embedded in a discourse of intergovernmental integration that is interest based and replicates nation-state discourses in a European wide setting.

I assert a full examination can provide lessons for novel complementary strategies to studying the topic of illegal immigration. Political economy, governmentally, political science, communications and foreign policy analysis are all fields that can be improved by such reflection. A discourse analysis which works at the level of contending systems of representation is an as yet unused tool for accomplishing these goals. These are lofty ambitions in the process of gaining a better understanding of how illegal immigration is understood as a 'European problem' and the alternative discourses that exist in the public sphere. This study is a first step as it provides a mapping of the possible legitimate understandings of 'illegal' immigration.

Conclusion

A series of positive conclusions can be made from this study. At a basic level, it provides an entry point for the application of subjugated discourse analysis to studies of public policy in the European setting. It highlighted the importance of language and in turn discourse as well as the process of marginalization and the possibilities for change. This was done in a unique way relative to more orthodox approaches in political science. The sections on 'control', 'markets' and 'cosmopolitanism' demonstrated the different and competing representations of illegal immigration that are in play in the European debate. Discourse enables particular representations and policy articulations at the

expense of others. Utilizing the tools of post-modern social theory and the emerging literature of applied discourse analysis the study has demonstrated its value as an enrichment to current research. Since language is not seen as transparent, a different set of questions are asked and, in turn, novel conclusions and possibilities are made visible. An understanding of illegal immigration is not simply a matter of examining 'interests', terrorist attacks and welfare budgetary constraints but also how it is represented in discourse.

Notes

Chapter 1: Introduction

¹ Papademetriou asserts that the interrelationship between levels of governance will determine the success or failure of a common immigration policy in Europe (1996). Geddes focuses on the institutional limitations on immigration policy based on areas of competence (2001).

² Den Boer lists several kinds of illegal acts including: overstay, entering the country unnoticed, seeking entry under false pretense, false documents and assistance from smugglers (1995, p. 94-5). Koser identifies illegal work and other criminal activity (1998, p. 186).

³ Constructivists reject the notion of an objective or exogenous reality, rather it is a social construct involving endogenous ideational and identity elements or other 'social ontologies'. As we shall see, where this approach differs with the post-modern discourse analysis used in this paper is in its continued desire to explain and look at norms and values and even language as causal variables or 'triggers'. In a post-modern and critical approach the focus on language is on exposing contingency and marginalization and *understanding* the linguistic and discursive processes at play that reality is *embedded* in. (see Christiansen et al., p. 1-19; Huysmans, 1995, p. 66-7; Smith, 1999).

⁴ Working with this methodology and epistemology, three articles that take contrasting approaches still end up with similar conclusions. For example, that integration is an elite driven process (Moravcsik, 1998; Marks et al., 1998; Sandholtz and Zysman, 1998).

⁵ These include a focus on the individual, treatment of language as transparent, tendency towards positivism, treatment of the domestic as a unitary space and interests as exogenous (Larsen 1997b, pp. 3-10; Diez 2001, pp. 9-11).

⁶ See Charles Taylor's *Social Theory as Practice* (1980).

⁷ He notes the characteristics of modernity as 'progressivity' and cumulative in nature, holistic, universal and rational view of knowledge (1996, p. 397).

⁸ Milliken describes this as a, "stance against 'scientism'... discourse analysis as a post-positivist project that is critically aware of the closures imposed by research programmes and the modes of analysis which scholars routinely use in their work and treat as unproblematic" (1999, p. 227).

⁹ For a discussion of the two linguistic approaches see Larsen (1997b, pp. 11-12). Diez also notes two schools of discourse analysis, the Copenhagen School and the Governance School (2001). One should note that German academics took up such research earlier than is the case in the UK for example.

¹⁰ Foucault (1977).

¹¹ Milliken identifies four methods: deconstruction, juxtaposition, subjugated discourse study and genealogy (1999, pp. 242-3). Van Dijk distinguishes between critical and applied discourse analysis (1997, pp. 22-3)

¹² Derrida's concept of 'open ended chains' has been cited as the basis for this kind of analysis (see Diez, 1999b). Ceyhan and Tsoukala use the notion of 'ambivalent' discourses (2002).

¹³ A word “takes on meaning through the firm opposition in which it stands towards another” (Frank, cited in Diez, 1999b, p. 607).

¹⁴ Connolly (1993) also distinguishes between an ‘analytic’ and ‘synthetic’ concept. The former has a concrete meaning, the latter is flexible and various meanings are likely. He also distinguishes between complete (murder) and incomplete (lie) moral notions (1993, p. 26).

¹⁵ Fairclough (1992) is an example of a work focused on developing an approach to examining social change.

¹⁶ See Diez, 1999b.

¹⁷ Diez says that a DNP “... ties together a set of metanarratives on such issues as the political and economic organization of society and the way we understand society itself, or history” (2001, p. 16.).

¹⁸ Foucault defines a ‘subjugated knowledge’ as a “whole set of knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naïve knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity” (cited in Milliken, 1999, p. 249n).

¹⁹ According to Larsen, “the main implication of a language approach is that the researcher must study the terms and the arguments used in texts rather than looking for the stances taken or what is actually said. The aim is, therefore, to look for written or spoken utterances in the political sphere” (1997b, p. 28).

²⁰ Diez cautions that, “in order to show the contingency of statements of truth, and to highlight discursive practice, and not only discursive structures, the discursive power inherent in such a framing of the debate needs to be analyzed in connection with alternative positions that do *not* follow this ‘common ground’ and thus get marginalized, and in relation to how the common ground or trunk itself get (re) inserted into the debate” (2001, p. 14).

Chapter 2: The ‘Control’ of ‘Illegal’ Immigration

²¹ Security turns the issue into a matter of survival. (Waeber, 1996, p. 106.).

²² Milliken refers to them as ‘ready at hand language practices’ or ‘background capacities’ (1999, p. 260).

²³ Bigo states that “the content of public debate is conditioned by the way its terms are set: in this case, the terms took the form of an artificial confrontations between those who found the content of the agreements [Schengen, Third Pillar] insufficient (sieve Europe) and those who found them excessive (fortress Europe)” (1998, p. 153).

²⁴ Ceyhan and Tsoukala highlight four ‘axis’ as part of a ‘deployment of a corpus of rhetorical arguments,’ by anti-immigrant discourses. They include: the socioeconomic, security, identity and political axes (2002, p. 24). Den Boer describes three ‘cornerstones’ for the construction of (illegal) immigration including the links between immigration and crime, immigration and social welfare abuse and between immigration and instability (racism and xenophobia) (1995, p. 98).

²⁵ The thesis deals with the combination of statistics with ‘common sense arguments’. They note that since migrants already are placed in criminal categories, police and prisons are further justified as policy responses.

²⁶ Schengen is an agreement among 14 European countries removing internal border controls between its signatories and is now a part of the EU legal structure. It is focused on a common set of border controls at the

EU perimeter, common visa policy, information sharing and data collection (SIS), police and judicial cooperation and internal surveillance (see Commission, 2001a).

²⁷ A former German CDU party whip emphasizes the link between immigration and national sovereignty: "the regulations of immigration should be defined by the interests of the state and not the immigrants," (*Statewatch*, June-August 2000).

²⁸ Foucault (1972).

²⁹ Laclau and Mouffe argue that the 'subject positions' from which actors speak are themselves discursively produced (1985, p. 109, 115). See also Diez (2002, p. 17).

³⁰ Walters identifies the *Centre d'Information, de Reflexion et d'Echange en Matière de Franchissement des Frontières et d'Immigration* or CIREFI as "the unit responsible within the EU for coordinating information about illegal immigration amongst delegations from member states" (2002, p. 95). Bigo (1998, p. 154) outlines a number of logical options and policies: "More extreme critics consider that free movement itself must be abolished and that control must be restored everywhere 'by keeping the frontiers' and argue in favour of tougher entry conditions (visas in the name of prevention of terrorism... as well as frontier police and customs officials and the creation of a frontier zone... with joint police stations... Since people are getting in despite current precautions, it is argued that illegal immigrants already in the country must be located, marriages of convenience must be prevented, people pretending to be students or tourists identified and search and detection of illegal immigrants facilitated by checks in schools, social security offices, workplaces and places of residences... Law enforcements should be as strict as possible to deter new immigrants." See also Den Boer (1995, p. 95-6) for a list of internal and international instruments of control by European Union agreements.

³¹ 'Illegal' or 'illegals' refers to illegal immigrants. An asylum seeker is a refugee (someone who has a well-founded fear of persecution) awaiting a decision from the receiving government. See Huysmans who states that "The link between diminishing internal border controls and strengthening external border controls rests on the double assumption that control of illegal movement... happens primarily at the border and that the free movement of persons is constituted by abolishing border controls," (2000, p. 759). Kostakopoulou (1999, p. 505) identifies a "double interpretive logic... the belief that a security problem exists in Europe without internal border controls and the perception of immigration as a security threat and/or problem". See also Bigo (1998, p. 152).

³² He adds, "They are declarations which have dissuasive effects but they are not a practical program of controlling frontiers. The belief that controls are applicable simply because they are said to be, inhibits an understanding of the actual practices of control... A different perspective is required... the debates of those in parliament, of journalists, of academics ask the wrong questions until this is realized" (1998, p. 158, 159). The importance of a reflective moment is evident: "As long as the problem is viewed at the European level as a problem of immigration control, and analyzed almost exclusively on the basis of the notion of control, this prevents wider economic, social or cultural understanding" (1998, p. 160). "Above all, it explains a focus on erroneous assumptions, such as that it would be possible, if the political will existed, to control systematically

foreigners at frontiers while allowing the citizens of the Union to cross freely" (Bigo, 1998, p. 152). Den Boer calls this an "unacceptable amalgam" (1994, p. 95).

³³ In a defense of his proposal for 'transit camps' Le Pen stated that "such camps already existed in the US and his ideas were 'no more racist' than those of British Prime Minister Tony Blair on asylum-seekers (*BBC Online*, 26 April, 2002).

Chapter 3: Alternative and Contending Discourses

Part I: The Discourse of Markets

³⁴ Collinson (1994, p. 32) states based partly on Frank Knight that: "Human mobility was argued to be essential for the proper functioning of the market... [there could be] 'no exercise of constraint over any individual by another individual or 'society'... there must be 'perfect mobility'."

³⁵ UNICE argues that "rather than trying to tackle all issues which could have an impact on immigration, they should focus on what is necessary to underpin EU... targets: the management of migration flows and the monitoring of admission of economic migrants" (19 October 2001).

³⁶ *The Economist* warns the EU to "note that it is only made worse by tight immigration laws: once you have climbed a high fence, you are less likely to go home again once you've made money or gained experience for fear that you can never return... [the solution involves] allowing skills to move freely to and fro" (31 March 2002).

³⁷ Jonas Widgren of ICMPD says that, "immigration is an explosive issue, but politicians will simply not address the big taboos... migration will continue.... Immigration will be beneficial... especially if we want to keep Europe competitive." (Barter, 19 June 2002).

³⁸ This style of language actually accepts the notion of an illegal labour market.

³⁹ A segment of King highlights the use of economic language: "Consistent with the Post-Fordist 'privatization' of migration and with the creation of a kind of 'migration plc' come other market concepts: growth in the number of agents, intermediaries, traffickers, and a pricing structure for each route, each origin nationality and each destination country. Within this new privatized, semi-illegal international migration regime, some migrants set off with no particular destination country in mind: they go where the agents and smugglers take them. Others are able quite explicitly to 'shop' for opportunities and destinations, measuring the costs and benefits of risk.... These types of migrant.... Are still largely to be characterized as economic migrants... migration into Europe has become more and more a global business... which has its own private market mechanisms – competition, prices, agents, brokers, buyers and sellers of migrants and migration services'..." (King, 2002, p. 94, 102).

⁴⁰ King uses the concept of "shuttle migration" (2002, p. 94). Niessen highlights in a discussion of the development of the European Social Forum of economic migration, "In order to avoid the notion of a mobile worker who is not a migrant, but a highly skilled employee on short missions... note the UN Convention on Migrant Workers: 'internant worker', 'project-tied worker', 'specified employment worker'... Instead of juxtaposing temporary and long term movement, these proposals unite them in a liberalized migration regime" (Niessen, 200, p. 429, 430).

⁴¹ Kostakopoulou argues that a restrictive policy: "... overlooks the fact that immigrants are not merely poor. Similarly refugees are not just scarred people and vulnerable dependants. They are people with talents, skills, energy and determination to build a better life and contribute to economic growth... many are entrepreneurs... all are consumers... investors..." (1998, p. 902). She adds that, "economists also seem to agree that supply of cheap labour not only reduces costs, promotes lower prices, stimulates growth and and boosts productivity, but may be crucial to the survival of... businesses" (1998, p. 902).

⁴² Article 8a enshrines the principle of the four freedoms of movement in the Treaty of Amsterdam,

⁴³ Niessen (2000, p. 6) argues that "the aim of the member states to foster economic growth in Europe and the recognition of gaps and shortages in skills are shifting the focus from zero immigration policies to managed migration in accordance with labour market laws."

⁴⁴ Kostakopoulou (1998, p.888) asserts that, "Official discourses on the 'social costs' or the 'problem' replaced earlier proclamations on the significance of immigration aiding the post war recovery."

⁴⁵ For example, at the Tampere Presidential Council, some Ministers said that "they don't want to offer better conditions than other EU member states" so as to look more attractive to migrants, in "Globalising Immigration Controls," *Statewatch Bulletin* 9(5), (September- October, 1999).

⁴⁶ It is interesting to note how sovereignty and other metanarratives of control are arguably marginalized in other aspects of EU integration such as monetary union. Here a market discourse is prominent.

⁴⁷ Vitorino notes that, "Immigration is not a solution for the demographic deficit nor for the imbalance in the labour market. But it does have its place within the strategies which need to be developed to deal with these issues," (9 July 2001).

⁴⁸ UNICE stresses that, "national public authorities should keep the responsibility for the definition of immigration policies and conditions of admission of economic migrants on the basis of the needs ..." (19 October 2001).

⁴⁹ European Commission, 2001a, p. 6. The Commission highlights the fact that the Tampere Council conclusions stated that there is a need for the "approximation of national legislations on the conditions of admission and residence of third country nationals based on a shared assessment of the economic and demographic developments..." (2001a, p. 3).

⁵⁰ Barbara Roche, the UK Home Office Minister said that, "We need to find ways to meet legitimate desires to migrate, be ready to think imaginatively about how migration can meet emerging social and economic needs," in "Opening the door to migrants?" *Statewatch Bulletin* 10(3/4), (June-August, 2001). In the same article a UNHCR report criticizes EU policy for closing doors for criminal activity without opening doors for legal movement.

⁵¹ See United Nations (2000) *United Nations Population Division. Replacement migration: is it a solution to declining and ageing populations?*; European Commission (1999), *Employment in Europe 1999* (Brussels); Council of Europe (2000) *Europe's Population and labour market beyond 2000* (Strasbourg).

Part II

The Cosmopolitan Discourse: 'Humans are not Illegal'

⁵² Kostakopoulou's policy would "[require] the 'de-centering' of sovereignty from what tends to be an unassailable position in immigration discourse and policy" (1998, p. 891).

⁵³ Autonoom Centrum exposes the denial of possibilities to live a legal life... "In that way illegalized migrants could live an almost legal life... most cant leave and are forced into illegality... The Linking Act put an end to the phenomenon that illegalized migrants could live a 'legal' life... In the grey area between completely legal and completely illegal a lot is still possible, in spite of attempts by the government to make the distinction between legal and illegal complete... Why cant a family, that was so well integrated and paid taxes for almost six years, get legalized?... The soft number made it possible to find legal work. Legal work made it possible to pay taxes and social security contributions... the fact that they paid taxes and contributions made it possible for them to collect unemployment benefits, childrens allowance etc..." (*Autonoom Centrum*).

⁵⁴ See Huysmans, 1995, p. 66.

⁵⁵ No Border for example, refers to the IOM as the "worlds largest human trafficker".

⁵⁶ Morrison and Crosland stress that, "less attention has been given to explaining why refugees engage with smugglers in the first place" (2000, p. 9).

⁵⁷ Morrison and Crosland, "recommends that all parties endeavour to use the more neutral term 'irregular' migrant in all situations of trafficking or smuggling until the point that protection is actively sought, at which point they become an 'asylum seeker' (2000, p. 12).

⁵⁸ For a detailed list of 'cosmopolitan' policy articulations see (Morrison and Crosland, 2000, pp. 96-104).

⁵⁹ See www.deportationclass.com and www.noborder.org/camps/02. For a discussion of the ontological impact of demonstrations see Barry, Andrew (2001) *Political Machines: Governing a Technological Society* (London: Athlone Press).

⁶⁰ Kostakopoulou portrays this as "the development of a Community Legal Order... a concrete manifestation of border-transcending communities on a transnational scale, as well as of the relativisation of the state as the overarching object of political allegiance" (1998, p. 891).

⁶¹ I would like to thank Professor Jeroen Doomernik for suggesting this metaphor.

⁶² Grete Brochmann and Tomas Hammar. *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies* (New York: Berg, 1999), p. 331. Huysmans adds that, "as a result, immigrants, asylum seekers and refugees are framed as a security problem which is different from an approach... which emphasizes that asylum is a human rights question and/or which proposes human rights instruments to deal with the issue," in (2000, p. 757).

⁶³ Morrison and Crosland call this 'Presumptive refolement' (2000). Also, Amnesty seeks to make visible the fact that the, "practical impossibility of controlling let alone closing extended borders is downplayed, as is the effect of the ever more restrictive policies to drive people into the claws of the traffickers" (12 June 2002).

⁶⁴ See section IV of the Tampere conclusions (European Council, 16 October 1999).

⁶⁵ See Barbesino, 1998 for a discussion of the social construction of statistics.

⁶⁶ Both Vitorino and the Commission make numerous references to the event and to Tampere in their communications. See for example, Vitorino, 12 July 2000 and Commission 2001a.

⁶⁷ Article 39 states that the goal of a common policy was to “maintain the necessary balance between protection of refugees, in accordance with the principles of the 1951 Geneva Convention, the legitimate aspirations to a better life and the reception capacities of the Union and its Member States” (cited in Amnesty, 12 June 2002). Article 3 at Tampere states that an inclusive policy “requires the Union to develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration...” (European Council, 16 October 1999).

⁶⁸ Commission, *Proposal for a Council Directive Concerning the Status of Third-Country Nationals Who Are Long-Term Residents*. Brussels: Commission of the European Communities, 13 March 2000. This communication also refers to the ‘universalism’ of the Charter of Fundamental Human Rights of the European Union.

⁶⁹ *BBC Online* (22 November 2002).

⁷⁰ The Commission discourse can be read as a discourse more amenable to ‘control’ (see chapter 4) in that it is refraining at the present time from adopting a more robust cosmopolitan language given the existing discursive context.

Chapter 4: Discussion and Potential

⁷¹ For an interesting account of how institutions are utilized see, Virgine Guiraudon, “European Integration and Migration Policy: Vertical Policy-making as Venue Shopping,” *Journal of Common Market Studies* 38(2), (June 2000), pp 251-71.

⁷² The International Organization for Migration observes that migrants are “alternatively seen as a synonym of progress, a threat to labour markets, territorial invasion, cultural destruction, or the constitution of new societies” (IOM, 1999a).

⁷³ Katzenstein et al. (1998, p. 678) note that rationalists engage in an, “enterprise that postmodernism denies: the use of evidence to adjudicate between truth claims. In contrast to conventional and critical constructivism, postmodernism falls clearly outside of the social science enterprise, and in international relations research it risks becoming self-referential and disengaged from the world, protests to the contrary notwithstanding”.

⁷⁴ MPG (April 2002, p. 15) refers to the ‘big silence’ in the media following their reports.

⁷⁵ Moravcsik states that, “it suggests that historical analysis is essentially irrelevant, since the less important a particular motivation has been in the past – the more marginalized it is – the more attention we should pay to it” (Moravcsik, 1999, p. 384).

⁷⁶ See Dean, Mitchell (1999) *Governmentality: Power and Rule in Modern Society* (London: Sage).

⁷⁷ Bigo’s study, “examines why the discourses of securitization continue to be so powerful even when alternative discourses are well known and why the production of... alternative discourses has so little effect in either the political arena or in daily life” (2001, p. 65).

⁷⁸ For a discussion of subject identities see, Diez, 1999b.

⁷⁹ Mateos cited in King (2002, p. 101).

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