

Asylum and Immigration in an Area of Freedom,  
Security and Justice.

EU policy and the logic of securitization

Ludvig Norman

## Abstract

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The aim of the essay is to show how the issues of asylum and immigration have been formulated as security issues in EU policy by applying a discursive approach to policy analysis and securitization, analyzing selected policy texts produced by the European Commission and the Council for Justice and Home Affairs from 1999 to 2006. The positioning of these issues in the policy domain of 'Freedom, Security and Justice' has facilitated a linkage between these issues and issues like terrorism and organised crime and has enabled a formulation of asylum and immigration according to a logic of securitization. The analysis of policy texts aims at investigating how linkages between issues are represented, how these linkages shape issues, and how the policy, in formulating threats and responses, also represent the EU itself in very specific ways. Policy from this perspective is not the rational answer to an unambiguous reality but rather, highly implicated in its production. An important part of this analysis is drawing out the implications of the policy, in terms of further policy development, as well as how the policy implicates particular ways of dealing with those represented as for instance 'illegal immigrants' or 'illegitimate asylum seekers'.

Key words: Policy analysis, discourse analysis, securitization, the European Union, asylum, immigration

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# 1. Introduction

## The European Union, asylum and immigration

This essay focuses on the EU policy concerning immigration and asylum. In the context of the policy domain of the 'Area of Freedom, Security and Justice' (AFSJ) these issues have, after the establishment of the Amsterdam Treaty and the subsequently formulated Tampere declarations in October 1999, become central concerns in EU policy making. The urgent need to deal with it is recurrently emphasized in policy texts produced by various institutions of the EU.

The immigration and asylum policy of the EU has received serious criticisms from academic writers as well as from NGOs such as the IOM, and the UNHCR (Levy, 1999: 45). Much of this criticism takes issue with what is perceived as a policy with a too heavy emphasis on restrictive measures as well as taking too little consideration to the actual needs of refugees as well as victims of trafficking (Goodey, 2004; IOM, 2001:29). EU relations with the third countries have also been shaped by these issues as bilateral or multilateral agreements concerning migration almost exclusively focuses on containment and control (Guiraudon in Guiraudon et al, 2001:31). As van Oudenaren has noted, the diplomacy of the EU has at times seemed almost obsessed with negotiating re-admission agreements with third countries (van Oudenaren, 2005:252). Indeed, the need to (re)asses the relations with third countries depending on their level of cooperation in such matters is recurrently emphasized in EU policy texts. Another concern put forward has been the conflation in practice of the concepts of immigration and asylum, which is regarded as a threat to the asylum system as a whole, since it is seen as ridding the concept of asylum of its separate stance, making it harder for asylum seekers to get their applications tested fairly.

The aim of this essay is to show how this particular policy is built around representations of asylum and immigration as a security issue and how the way that these issues are placed in the larger policy field of the AFSJ act to shape them in particular ways. However, the aim of this essay is not to present rational arguments in an effort to negate those which construct immigration as a threat to the internal security of European societies. As Honig (1999:185 in Campbell et al) points out, even if it could be verified once and for all, through an analysis of costs and benefits that immigrants actually contribute more to their 'host societies' than they take out, the issue of immigration would still not be settled. In parallel Boswell has stated that

the symbolic use of these issues in exploiting anxieties of security and identity in different European states is in large parts unrelated to migration flows as such (Boswell, 2003:61). The specific formulation of the issues of asylum and immigration in terms of security awards this policy with its own logic, in which threats are defined along with the ways in which these threats are to be met. This definitional process also includes the representation and positioning of the EU itself, as the policy represents the EU and its citizens in very specific ways, implicating particular understandings of what this community is and what it is not.

## Background – The Area of Freedom, Security and Justice

The policy area of AFSJ is relatively new but its core issues, such as immigration and asylum has figured, in various forms, in discussions on a community level since the mid- seventies (Wallace, 1996:14). Discussions between senior officials of the justice and home affair ministries of member states, within the frame of the TREVI group (Terrorism, Radicalism, Extremism and Violence International), in the seventies was initiated following concerns of increasing terrorist activity in the Middle East and in parts of Europe, e.g. West Germany and Italy, and laid the foundation for judicial cooperation at the community level (van Oudenaren, 2005: 232-33). The connection made between criminality and illegal immigration, was clearly established already in the Maastricht treaty and reiterated in the Amsterdam treaty (Mitsilegas, Monar, & Rees, 2003:87). The treaty of Amsterdam introduces for the first time the objective ‘to maintain and develop the Union as an area of freedom, security and justice’ (The treaty of Amsterdam article 2, cited in Mitsilegas et al., 2003: 84) and connecting this objective to, among other things, external boarder controls, immigration and the combating of crime. The discussions about the creation of an “Area of Freedom, Security and Justice” took a more definite form at the Tampere European council of 1999, in line with the treaty of Amsterdam. The discussions that led up to this point were marked by the alleged need to establish a clear relationship between an area of free movement, immigration and asylum (Geddes, 2000:110). The concern for these issues is formulated in connection to the process of gradual disappearance of borders between EU member states, as a result of the application of the treaties to create a single European market.

Thus, the emergence of the AFSJ policy domain is formulated partly as an answer to new challenges, such as the alleged increase in trafficking, organized crime and illegal immigration, and partly as following logically from the establishment of the common market,

sometimes articulated as a ‘spill over effect’ resulting from the removal of national borders between member states (Mitsilegas et al. 2003: 27). Questions concerning asylum and immigration becoming a community competence has been largely attributed to the creation of a single European market which includes removing its internal borders. This is also the way the creation of the AFSJ in the Tampere council declarations of 1999 was formulated. The abolition of internal borders have been regarded as creating a ‘security deficit’ which has had to be compensated by the strengthening of the EU’s external borders (Walters et al. 2005: 95). The relationship between a need to compensate freedom with security is also recurrently emphasized in policy texts, as in this 2004 council regulation:

‘Community policy in the field of the EU external borders aims at an integrated management ensuring a uniform and high level of control and surveillance, which is a necessary corollary to the free movement of persons within the European Union and a fundamental component of an area of freedom, security and justice’ (European Council regulation of 26 October 2004, establishing a European Agency for the management of Operational Cooperation at the external Borders of the Member States of the European Union).

Stating that one policy follows logically from another, or that one policy domain ‘spills over’ into another can not, however be taken as a neutral description of the process of ‘European integration’. The implied naturalness of this process of policy development evokes the image of a predetermined sequence of policies, one flowing (or spilling-over as it was) naturally into another. As one policy becomes realized, this will bring about new policies according to what follows ‘logically’. Even if some importance can be awarded to the way that policy areas seem to overlap and be associated to one another it would be, as Geddes has stated, a mistake to regard the EU as locked into a trajectory with a fixed end point (Geddes, 2000: 43). Rather than seeing the AFSJ domain as the result of ‘spill over effects’ from economic integration, as the logical consequence of other policies, it can be stated that the emergence of this policy discourse has been made possible by the way that it does not *contradict* those discourses which has assumed a fundamental position in the construction of the EU, of which, one of the most central are the creation of a single European market. The creation of the single market can not, however, in itself explain the emergence of the AFSJ policy domain.

Geddes depicts the decision making concerning immigration and asylum as profoundly shaped by its intergovernmental character, limiting it to the lowest common denominator of all the member states resulting in a focus on containment and security (Geddes, 2000).

Huysmans (2006) states that the spill over is a consequence of the ‘technique of government’ which puts freedom and security in a competitive relation to each other (p.86), which would allow the formulation of, for example, increased external boarder control as a compensatory measure the increased freedom of movement in the Union. This is not however a wholly satisfying characterization of this development since it fails to address questions regarding, how, immigration and asylum so easily can be regarded in terms of security, and how security has come to be generally regarded as the lowest common denominator in intergovernmental negotiations concerning these issues. The ‘technique of government’ which aim at regulating ‘excessive and dangerous freedom’ (Huysmans, 2006: 92) does not in itself explain the specific threats to security that are invoked in the policy of the AFSJ. What seems clear, however, is that the coupling at the EU level between immigration and issues like terrorism and organized crime has been made possible by the way that it coincided with national discourses which represented immigration as a ‘law and order’ issue (Kostakopoulou, 2001: 129).

The time from the formulations of the Tampere declarations up until today constitutes a period during which EU efforts concerning these issues has intensified, as the Amsterdam treaty provided the EU with objectives and instruments in developing itself as a potent internal security actor (Mitsilegas et al. 2003: 41). Levy noted as early as 1999 that, not many years ago a common immigration and asylum regime for the EU would have been restricted to ‘the pipe dreams of a small group of federalists’ (Levy, 1999: 12). Today policy concerning a common asylum system and immigration to the EU is well established and continues to install itself in the work of the union. The AFSJ as it stands today include EU policies on

Immigration

Asylum

Police cooperation

Customs cooperation

Organized crime (Including trafficking in human beings)

Drugs coordination

Criminal justice

Civil matters judicial cooperation

Fundamental rights

Data protection

Citizenship of the European Union

Freedom to travel

External relations

Enlargement

([http://ec.europa.eu/justice\\_home/fsj/intro/fsj-intro.en.htm](http://ec.europa.eu/justice_home/fsj/intro/fsj-intro.en.htm))

As will be argued for in this essay, the clustering of this rather motley collection of policy areas under the umbrella of the AFSJ is not the result of some natural connection between them, or the ‘spilling over of one issue into another’. Rather the connections that are made between these policies can be regarded as part of the processes through which they are produced, and constitute a very specific representation of these issues, with its own inherent logic. The securitization of an issue from this perspective can not be reduced to the explicit naming of an issue in terms of security. As important is the complex web of conceptual relations which is produced through the positioning of an issue in a policy domain as the AFSJ.

## Questions

The question then is what does the clustering together of these issues mean for how they are dealt with? As a point of departure of this analysis, the policy of asylum and immigration is understood as being involved in a process of securitization, meaning that these issues are, to a considerable extent, formulated as security issues. A central aim of this essay then is to answer the questions:

How is the policy of immigration and asylum represented as a security issues? What are its assumptions?

What are the implications of this securitization, in terms of policy directions? What subject positions are produced?

In addressing these questions the analytical framework of securitization will be applied to policy texts of the AFSJ concerning immigration and asylum. As important however is an application of the discourse analytical assumptions which will be discussed in this essay, as it is central in understanding how the web of conceptual relations that was mentioned above is produced through this policy domain.

## Outline of the essay

The first part of this essay is dedicated to discussing the concept of discourse and what the consequences are of positioning this essay in this theoretical tradition. This section includes a discussion concerning the definition of the concept of discourse, and discussions concerning some concepts that are central to it: ideology, power and materiality in an effort to relate them to the study of policy and securitization. These concepts are discussed at some length as the application of this method in policy analysis is not a very well established field. Even if these discussions might seem rather abstract at times they have been deemed indispensable for a clear understanding of the way in which the analysis of textual material has been conducted and what conclusions the analysis make possible. The next section is devoted to the concept of policy and what it means to merge this concept with the concept of discourse. Then follows a discussion concerning the concept of securitization and how this will be employed as an analytical framework, structuring the analysis of policy discourse. The second part of the essay consists in an analysis of selected EU policy texts related to the policy areas of asylum and immigration in the context of the AFSJ policy domain from 1999 to 2006. The analysis is followed by a discussion concerning what the implications of these policies are in terms of future policy formulations and most importantly what it means for those who are positioned by this policy as for instance asylum seekers, ‘illegal’ immigrants or victims of trafficking and smuggling.

## 2. Previous research

This essay represents an effort to merge policy analysis and discourse analysis, while incorporating the analytical framework of securitization as a way of structuring the analysis. Policy analysis in this essay works as a way of focusing the analysis of discourse on a specific set of texts, which, by force of their representation as policy acquire certain meanings. The theoretical framework of securitization as applied in this essay; help structure the analysis of the specific policy of asylum and immigration, guiding the categorization of different representations. In defining the discursive logic of securitization this framework enables a more systematic analysis of the empirical material without compromising the theoretical underpinning of the essay.

## Policy analysis

Policy analysis is a theoretical field which has traditionally been geared at strategic problem solving and ameliorating political decision making by giving it a scientific basis. In opposition to this positivistic tradition writers such as Fischer (2003) Fischer and Forrester (1996), Hajer (1995;1996 in Fischer et al; 2005 in Howarth et al) has established a position which is referred to as argumentative policy analysis, inspired by discourse analysis as well as by critical theory. This position can be characterized by the importance that is awarded to how actors construct arguments through rhetoric and framing of issues and the focus on the argumentative processes that lead up to political decisions. Hajer (1995; 2005) focuses on the 'discursing subjects' who are conceived of as clever and creative human beings, who operate within and are constrained by different kinds of social structures (Hajer, 1995: 58). Hajers concern is with how, what he calls discourse coalitions, defined as a group of actors that share a social construct, competes in the context of specific discourses and institutional practices, to define issues in certain ways (Hajer in Fischer and Forrester, 1993:45, 48). The aim of his analysis is to show how policy change has occurred through argumentative struggles between discourse coalitions. Roe in his '*Narrative policy analysis*' (1994) use elements of literary analysis in his account of policy analysis, however as Fischer notes, the way that the methodological tools of analysis is formulated as a way to stabilize governmental decision making 'which is the conventional mission of policy analysis' (Fischer, 2003: 175) still places him to a great extent within tradition of technocratic policy analysis.

Yanows interpretative policy analysis (2000) draws on discourse analysis as well as applying an anthropological approach in analyzing policy. Using field work, interviews and textual analysis she concludes that policies do not have passive targets, but policy is constructed differently by different communities which the policy focuses on, something that the policy analyst must be attentive to. In her analysis of the establishment of a community center in an Israeli town she concludes that the meaning of this center diverges and is given different meanings by different 'interpretative communities' in society. A problem with this account from the perspective of this essay is the way that all interpretive communities seem to be positioned as equals in defining, and giving meaning, to a policy. This approach is problematic here since one of the main aims of this essay is to identify ways in which subjects and groups are positioned and constituted through policy in ways that might be experienced as damaging to them.

Bacchi in applying her, rather inconveniently named, What's the Problem? (represented to be)-approach, investigate how the representations of problems in a range of policies such as abortion, sexual harassment and education policy can be seen as having more or less damaging effects, effects which are divided in three main categories: the constitution of subjects and subjectivity in discourse, the imposition of limits on what can be said, and the 'lived effects' of discourse (Bacchi, 1999: 200). The focus of her analysis is on how representations of problems condition certain policy responses (p.36). Policy from this perspective is regarded as 'an instance of discursive practice'. Bacchi's approach is very important for this essay, while the policies under analysis here differ considerably from those investigated in her 1999 *Women, Policy and Politics*. Placing this essay in policy analysis is first and foremost a way of narrowing the focus; a way of approaching the study of politics, enabling it to become a bit more structured, giving it a clear focus; something which sometimes seem to be lacking in discourse inspired work. There is a conscious effort in this essay to narrow the focus of the analysis by applying a delimitation of the empirical material, something which is rarely specified in these kinds of studies.

Shore and Wright in their '*Anthropology of policy*' (1997) regard policy in terms of the institutionalization of discourse. As Apthorpe (1997 in Shore and Wright) suggests policy can be regarded as a specific style of articulating representations, something like a particular genre of discourse. Ball (1990) also sees policy and discourse as intimately connected concepts even though, as Bacchi notes, there are some ambiguities in his account regarding the definition of discourse especially in relation to an extra discursive reality (Bacchi, 1999: 42). A main difference between these approaches and the ones that can be placed within the argumentative/interpretative approach is that those accounts which connect policy and discourse more explicitly have a greater sensitivity to how certain policies work in an exclusionary manner with respect to alternative directions. The argumentative approach can be regarded as less concerned with how subjectivities are produced through policy, and more inclined towards analyzing the processes which policies are created by actors through argumentative struggles, emphasizing the importance of rhetoric and narratives, rather than discourses. Language from this perspective is regarded in terms of a tool which can be used creatively to defend a position, rather than as inherently imbued with relations of power. For this essay the concept of discourse is crucial for the understanding of policy.

## Securitization

The literature on securitization has a common denominator in the important position awarded more or less explicitly to discourse, how issues such as immigration are represented, rather than reflected in policy making. The definition of the concept of securitization can in large parts be attributed to the work of Waever (1997; 1998) and Buzan (1998). Waever conceptualizes securitization in terms of a speech act, which is taken to mean that by saying 'security' (however, not necessarily the actual word) political decision making is moved into a special area within which, sometimes extraordinary, efforts aimed at maintaining security is legitimized (Waever, 1997; 221). The concept of securitization is often invoked for capturing recent trends in immigration and asylum policy, not least in the EU (Bigo 2001 in Guiraudon et al; 2001 in Albert et al ; Mitsilegas et al. 2003, Kostakopoulou, 2000; 2001, Geddes, 2000, Buzan, et al, 1998; den Boer 1995; Huysmans, 1995; 2000; 2006; Walters et al, 2005, Lavenex, 2001, Monar & den Boer, 2002). There seem to exist a rather wide consensus among scholars that the formulation of these issues in terms of security is a dominating feature of these policies, and has been since its inclusion in community efforts, even if the term securitization is not always used.

Bigo (2001 in Albert et al) discerns three important approaches to studying securitization: for the empiricist the question is about whether agencies overestimate or underestimate threats, while others seek to forward a critique saying that threats are neither new and nor as dangerous as agencies suggest. The constructionist approach focuses on the performative role of language in the construction of threats (Bigo, 2001: 104 in Albert et al) emphasizing the socially constructed nature of threats, treating securitization in terms of discursive practice (Buzan et al, 1998, Waever, 1997). This is also, in large parts, the position of this essay. However Waever and Buzans position, conceptualizing securitization in terms of a speech act, building on Austins speech act theory, is not shared here. The straightforward performative aspect of language in their account is contested, as securitization from the perspective of this essay, in line with Huysmans, is regarded as being much messier. The securitization of an issue is thus not wholly dependant the explicit naming of something in terms of a security problem. This may just as well be attained through a much more subtle process in which linkages with more explicitly securitized issues are produced through the positioning of an issue within a specific policy domain, in this case the policy domain of the AFSJ.

Writers such as Bigo (2001 in Albert et al; 2001a in Guiraudon et al) and Huysmans (1995 in Miles et al; 2000; 2006) has to a great extent focused on processes of securitization and in particular the securitization of immigration. They have noted the way in which immigration policy in the EU has been marked by the way that certain professions, such as the police, has been awarded the authority to define these issues. Bigo regards the securitization of migration as a result of how emerging communities of security professionals, mainly in the EU and in the US define threats and policy responses. Security agencies work to legitimize their presence in different contexts in competition for resources and funds, thus creating a security field with a specific discourse (Bigo, 2001a:122,127 in Guiraudon et al). In this security discourse the limits between internal and external security are increasingly merged, creating links between welfare problems, petty crimes and the international situation, for instance, globalization and the movement of people across borders (Bigo, 2001: 92 in Albert et al).

Huysmans identifies three major themes in the ways that the issues of immigration and asylum have been dealt with in the EU: internal security, cultural identity and welfare (Huysmans, 2000; 2006). His analysis is focused on how these themes conceptualized as existential threats work in an exclusive manner towards immigrants and asylum seekers as well as promoting specific conceptualizations of cultural identity, public order and social integration (2006:84). His approach is thus rather closely related to the one applied in this essay. However, it differs in the respect that Huysmans does not attempt, in any detailed manner, to analyze the formulations of specific policy texts for how the concepts that it applies are represented and linked, something which is central to the analysis in this essay. According to Huysmans discursive approaches to securitizations tend to focus on high profile, publicized speeches by politicians, thus, emphasizing the ‘spectacle’ part of policy, instead of focusing on the less visible, but more important, activities of security professionals and experts in the technocratic politics of modern states (2006: 154). Applying a discursive approach to securitization does not, however, as will be shown in this essay, automatically imply embracing the conceptualization of politics as spectacle. Focusing, as this essay does, on policy texts does not deny the importance of professional knowledge in the formation of policy, rather the knowledge production in society is regarded as an essential part of policy making. However, the focus is not on the process of policy making but on the policy texts themselves.

Bigo’s and in particular Huysmans’ work are important sources of inspiration for this essay;

however, the heavy, and in Bigo sometimes exclusive, focus on the way in which security professionals has shaped these issues differ from the way that these questions are discussed in this essay. Here, the policy texts that are placed in the center of the analysis. The aim of the analysis being, to create an understanding of the ways in which these issues are conceptualized as security problems as well as showing how the securitization of them is produced through how they become connected to other issues. The way that the securitization of an issue is facilitated by way of its position in a larger policy domain, such as the AFSJ, acting as the as its context, is related to the way that Bigo (2001) and Huysmans (2006) conceptualize ‘domains of insecurity’ however this concept is used to signify the ways in which policy is not only connected in complex ways but also embedded in ‘competition between professional agencies (Huysmans, 2006: 13) something which lies beyond the focus of this essay. The focus of this essay is rather narrower, concentrating on the specific policy formulations in an effort to draw out the assumptions underlying the formulation of immigration and asylum as issues of security. However, the notion that the production of discourses within a political apparatus rests on, and is only made possible by its previous existence in society, forwarded by Foucault (1980:122) is an important part of understanding the way that policy is conceptualized in this essay as well as understanding the securitization of particular issues.

Lavenex (2001, 2001a) links the securitization of asylum and immigration in Europe to the processes of Europeanization which has worked to isolate these issues from their traditional humanitarian frame, moving the focus from rights of refugees to concerns about security. Along with Geddes (2000) and Kostakopoulou (2000), she ascribes these particular developments to the trans-governmental character of decision making characterized by the application of the rule of unanimity that was long prevalent in this policy field. However as Kostakopoulou notes, even if the structure of decision making is changing, with immigration and asylum policy being increasingly communitarized, this does not mean that the discourses governing the policy has changed (Kostakopoulou, 2000: 514). In parallel with Bigo and Huysmans, Lavenex also points to the homogenous and exclusive professional background which has characterized the bureaucratic networks within justice and home affairs operating with a high level of confidentiality, especially within the Shengen group (p. 201). This policy development is also identified as a consequence of the guiding principles of the EU as, first and foremost, an economic project positioning asylum as a side issue to the single market (Lavenex, 2001a: 860).

Engbersen (2001 in Guiraudon et al) and Engbersen and van der Leun (1998 in Koser et al) has pointed to how the implications of the securitization of immigration, in tightening restrictions, the elaboration of increasingly sophisticated mechanisms of control, seem to work self reinforcing to the discourse that motors it. This results in a situation where the preoccupation of authorities is increasingly with the defining of new threats, and the need for new mechanisms of control. Mitsilegas et al. also have furthered concerns about how the balance between ‘freedom’ ‘security’ and ‘justice’ is increasingly leaning towards ‘security’ as the EU is gradually establishing itself as an internal security actor (Mitsilegas et al. 2003: 164). This seems to be an undeniable feature of this policy discourse, however Mitsilegas et al. fail to problematize the concepts around which this discourse is constructed which leads them to conclude that the securitization of issues such as ‘illegal immigration’ can be counter balanced by more ‘comprehensive human rights safeguards’ in EU legislation (p. 166). From the perspective of this essay, this signals a somewhat simplified legalistic perspective at the same time as it underestimates the force of the discourse of securitization and the practices that it is involved in. Arguing against the securitization of issues in terms of ‘increasing’ freedom will not amount in any profound reconceptualization of them, as it fails, as Huysmans note, to reach beyond the competitive relation between security and freedom (2006: 103). The aim of this essay is to create an understanding of the assumptions around which the policy is constructed, to discuss its material implications in terms of social practice, and hopefully to open up for a more thoroughgoing reformulation of these issues by highlighting the way that the policy discourse sustains itself by appearing neutral, natural and as the answer to an unambiguous reality.

### 3. Discourse analysis

#### Why discourse?

As many texts which, in one form or another use the concept of discourse starts by stating that there is little consensus regarding its meaning or possible usage, so will this one. The term discourse is used in a wide array of writings and by writers with sometimes quite disparate theoretical positions. The definition of discourse used in this essay takes its inspiration, as does much of discourse oriented work in the social sciences, in large parts from the work of Foucault (Foucault, 1978; 1980; 1993) and writers drawing on his work (Mills, 1997; Wetherell et al, 2003, Wetherell and Potter, 1992). Elements of the discourse theory, to a

considerable measure based on the work of Laclau and Mouffe, in work by Winther Jørgensen and Phillips (Winther Jørgensen and Phillips, 2000), Torfing (Torfing, 1999) and Howarth (Howarth, 2000; Howarth et al, 2000; Howarth et al. 2005) is also important for the discourse analytical approach employed here. In the discussion concerning discourse and discourse analysis there will be no attempt on an exhaustive overview of this vast theoretical field. The aim of this section is to highlight the parts of this field that has been deemed relevant to this essay and to position it in relation to some important discussions within it. Discourse theory is not to be understood here as theory about discourse in general but as the specific branch of discourse analysis which builds on the work of Laclau and Mouffe incorporating elements of Gramsci, Derrida and Lacanian psychoanalysis.

An interest in discourse is an interest in how the production of meaning constitutes reality as opposed to an interest in how language reflects it (Shapiro in Wetherell et al. 2001:320). The “real world”, from this perspective, is not imbued with meaning; it can not be read for meaning directly which leaves us with searching for meaning in representations of reality, in statements that create images of reality, which insist on its unambiguous meaningfulness. This is not to deny the existence of a physical world; it is only a denial of the idea that reality has an essence, an inherent meaning (Torfing, 1999: 94, 2005:18) and subsequently a commitment to the supposition, established by Foucault, that there is no meaningful way of talking about reality outside of discourse (Hall, 2001:73 in Wetherell et al.). Thus, stating that there is nothing outside of discourse is not strictly an ontological claim, but a statement about our limits in apprehending reality (Mills, 1997:54) and equally significant, our limits in communicating it in any unmediated fashion: ‘not suggesting that there is nothing but discourse – only that we come to know what there is in the context of some historically specific and socially contingent account’ (Wetherell and Potter, 1992: 62). This is in line with a critique of a way of viewing language as a system of fixed meanings, as in the Saussurean tradition, and instead emphasizing how meaning is produced through the ways in which it is communicated in social interaction (Winther Jørgensen et al, 2000, 17- 18).

Having said this, one should not draw the conclusion that discourse analysis is merely stating that reality can be interpreted in a multiplicity of ways, depending on the perspective from which one perceives a certain part of it. Claiming that discourse effectively constitutes reality, is taking it a bit further, it is a shifting of focus which results in an entirely different set of questions being posed. Different from those which are based on the assumption that social

processes, material conditions, social institutions are available phenomena which can, at least hypothetically, be analyzed directly, more or less independently from how they are represented in language. These questions are revolving around how to understand processes of 'reality generation'; to theorize how specific sets of statements are organized in and through discourse and how different subjectivities are created in the process. At this stage it seems adequate to establish a working definition of discourse which can serve as a point of departure for further discussion.

### Discourse- defining the concept

Discourses, in this essay, are regarded as more or less coherent systems of meaning which define and categorize specific realities. Meaning is produced both relationally within a specific discourse, but also in relation to what is not, to what is excluded as 'exclusion is, in essence, paradoxically, one of the most important ways in which discourse is produced' (Mills, 1997: 67). The establishment of meaning through discourse is thus always dependant on an act of exclusion, on the delimitation of signification. A discourse is a reduction of possibilities in the pursuit of unambiguity (Winter Jørgensen et al, 2000: 33-34). Discourse is not, however, free flowing and ephemeral, but always tied to rituals and procedures which regulates its distribution (Foucault, 1993: 7). Thus, 'Discourse is about what can be said and thought, but also about who can speak, when and where and with what authority' (Ball cited in Bacchi, p.41). The effects of certain statements, then, are dependent on that whoever is doing the uttering is also sanctioned to do so (Mills, 1997: 71) This is of course a crucial point as the concepts of discourse and policy merge. As these regulations concerning access to a discourse become increasingly pronounced, it is possible to speak of an institutionalization of discourse. As an example of such institutionalization one can take the way in which security professionals has, to a considerable degree, been awarded the authority to define the issues of immigration and asylum in European politics (Bigo, 2001a). The specific regulations of particular discourses specify its objects and the manner in which it is possible to relate to these objects. Thus, in constituting, realities, objects of knowledge and subject positions, discourses also authorizes some actions, while ruling out others.

In line with post-structuralist thought, the notion of discourse is used to point to the contingent and changing aspect of meaning and how different concepts can take on different meanings as they are positioned in different discourses. This is in opposition to the

conceptualization of language as an overarching system of signification, unaffected by how it is applied in social interaction (Winther Jørgensen et al, 2000:18). In a particular discourse, the fixation of meaning can only be partial as discourses are unable to establish complete closure, complete domination of the discursive field (Torfing, 1999:85), which means that any discourse, any set of meanings, however dominant, is always open to contestation. There are always alternative ways in which an established issue can be formulated, and the possibility to change how certain realities are conceptualized is always open, at least hypothetically, even if the critique is not always heard, or able to change discursive practices. The paradox which was mentioned above by Mills, referring to how discourses are produced through exclusion, clarify the way that the exclusion, which is the condition of existence of discourse, also provides the impossibility of a absolute closure, and opens itself for critique in the shape of deconstruction. In the words of Laclau: 'We must assert that a discourse, or a discursive formation, establishes its limits by means of excluding a radical otherness that has no common measure with the differential system from which it is excluded, and therefore poses a constant threat to that very system' (Laclau,1995 cited in Torfing, 1999: 124). However, this 'otherness' can be regarded as implicated by the limits that are drawn. In establishing representations of reality in a certain way, what is simultaneously established by discourse are the ways in which reality is *not*. Discourses then, at the level of actual texts, can be seen as organized to ward of this threat through techniques which aim to make them appear transparent, contributing 'to the sense that a discourse is literally describing the world' (Potter, 1996: 88). Representations of reality can thus be said to contain, in themselves an affirmation of what they struggle to deny, and as such provide a starting point for a problematization of a particular discourse. In discourse theory this assertion is the starting point from which social antagonism can be traced, thus the political frontiers which are erected through discourse implicate relations of social antagonism which can then be understood through the analysis of discourse. However, these conclusions are not accepted in their entirety within this essay, the reasons for which will be discussed below.

### The limits of discourse

Both Wetherell and Potter (1992), and Hajer (1995, 1996), differentiate the statements which they focus on from discourse as such, conceptualizing discourses as being too complex and grand, in need of a medium such as a 'storyline' or an 'interpretative repertoire' to become understandable and pervasive. This can also be said to be a feature of the argumentative

approach to policy analysis that will be discussed below. Even if the point of these accounts is to discern the rhetorical aspects of statements one might question, the need to differentiate between discourse, as enormous in size and complexity, and how it materializes at the level of individual statements. Referring to discourses as great overarching entities, or as the cultural frames of entire societies, is a precarious business which give rise to questions of how these discourses have been identified and in what way they can be said to be the common point of reference to a specific society. The definition of discourse in this essay sees discourses primarily as context dependent in that, to be made intelligible, discourses must be interpreted bearing in mind the context within which they are produced. Discourses are the statements which, through a process of interpretation from the analyst, can be identified as being connected in certain ways, being built around some recurring themes, logics and representations. However, the limits of the discourse under analysis is not dependent on some intrinsic features of the discourse itself but imposed as a result from practical considerations, as well as from the stated focus of the essay: to investigate how a certain issue, (asylum immigration) is represented within a specific policy context (the AFSJ). Thus, the aim is not to map the limits of a discourse, as the statements that are analyzed could, if analyzed from a different perspective, or with other limits imposed on them, be categorized as pertaining to a range of different discourses. The meaning of concepts in discourse is a matter of interpretation for the analyst, and can thus not be established once and for all. This is a step away from discourse theory, as discourse from that perspective is awarded a much more independent character.

## Discourse and power

The concept of power can be understood in analogy with discourse, or rather as inseparable from it as ‘it is in discourse that knowledge and power are joined together’ (Foucault, 1978: 100). Indeed, as a way of acknowledging that power and knowledge are inseparable from each other, as well as from discourse itself, Foucault conceptualized them as power/knowledge, as two aspects of a whole. Power, in the foucauldian tradition, is not regarded as something that can be appropriated and accumulated, the question not being, who has power? What motivates he/she that posses this power? Power is not something that is applied to neutral subjects; rather power constitutes subjects (Foucault, 2004:29). This way of conceptualizing power as impersonal, as something that is ‘flowing’ through society much more than a stable thing that can be held and wielded enables interrogations into the

construction of discourse itself and the practices it produces, rather than looking for intention or causal mechanisms which is thought to lie behind it. Rather than being prohibitive, negative and unitary it is conceptualized as permissive, positive and dispersed (Wetherell and Potter, 1992: 83). This is in opposition to a way of conceptualizing power as having a fixed center, being primarily repressive which entails a stance in which the interests of the actors involved in a relation of power are regarded as more or less stable and *a priori* identifiable. This is a consequence of the way that the unambiguous identification of the interests, rights or liberties which are regarded as repressed are a precondition for understanding repression. This is also, as will be discussed below, the reason for which the use of the concept of ideology becomes untenable as a part of discourse analysis.

Foucault focuses on the productive aspects of power in generating realities, objects of knowledge, but as is the case with discourses, power cannot be understood as ‘a wholly positive force as the constitution of identity and the production of knowledge are always conditional upon acts of exclusion’ (Torfing, 1999: 162). In producing knowledge, discourses also set the limits to what can be known and which actions are deemed acceptable and appropriate. One of the points with viewing power as mainly productive, however, is that this enables a perspective from which, what is represented as factual, truth or common knowledge in a particular discourse can be problematized, not by questioning the truth value of concepts, but by demonstrating the way that concepts invariably are a product of their positioning in relation to other concepts, and the way in which discourses are constructed to conceal this nature. Power, according to Foucault, is always bound up with specific aims and objectives, even if power as such is conceptualized as “nonsubjective”, i.e. not the source of any individual subject (Foucault, 1978: 95). Focusing on the productive aspects of power is not a way of denying that repression can exist as a form of power, however it can only be understood as taking place within, and as being conditioned by, indeed produced by, particular discourses.

This way of conceptualizing power is important for the analysis of discourse because it enables an understanding of how categories and concepts are produced and define the interests of those positioned within them. An obvious example is how the concept of ‘immigrant’ is dependent on the production of borders, states and nations without which the concept would be unintelligible. From this perspective it is the production of these discursive entities that produce immigrants, rather than say, poor living conditions in countries of origin.

Another is the concept of refugees. The conceptualization of the refugee, along with the protection of refugees, can not be understood without reference to the 19<sup>th</sup> century emergence of a system of ‘mutually exclusive jurisdictional domains’ in which the relationship between state and citizen was established along with the borders of the state (Lavenex, 2001: 8). As Shapiro points out: ‘The separation of the world into kinds of space is perhaps the most significant kind of practice for establishing the systems of intelligibility within which understandings of global politics are forged’ (Shapiro, 2003: 319 in Wetherell et al). These considerations can be used to show how policies concerning asylum and immigration is produced as a part of highly institutionalized discourses organizing a global political universe, rather than responding to unambiguous ‘real world problems’. The securitization of these issues can thus be regarded as being dependent the (re)production of dominant discourses in which global politics are represented, discourses which for instance facilitate the representation of the EU in terms of a harmonic inside which is contrasted with a chaotic outside from which the inside must be defended (Huysmans, 1995: 56 in Miles et al).

The definition of power as productive is thus important for this essay as it lays down the premises for the analysis of the textual material. It opens up for an understanding of the concepts and categories represented in these texts as produced through their positioning in relation to each other rather than as reflections of reality or as the result of the interests and individuals. This especially relevant in relation to the logic of securitization through which discursive objects such as threats and targets are produced, thus making possible certain efforts to be deployed while excluding others. In addition, the intimate connection between power and knowledge, or rather the conceptualization of power/knowledge is also important for the understanding of how the concept of policy is defined in this essay.

## Discourse and ideology

As the concept of ideology figures as a part of many discourse analytical accounts it seems necessary to include a discussion on the possible use of the concept of ideology. Not least since the concept of ideology traditionally is intimately linked to that of power. This discussion will focus on the tensions which arise as a consequence of its use, and will result in an argument aimed at showing its incompatibility with, or redundancy with respect to, the theoretical assumptions of discourse analysis. Included here is a more in-depth discussion concerning Wetherell and Potters account of racist discourse in New Zealand as it illustrates

the tensions which may arise from a combination of the concept of ideology with a constitutive discourse analytical position.

Foucault, even though being highly inspired by Marxist thought, rejected the use of the concept for three main reasons: first, ideology is always placed in opposition with truth. This means that critique by implication stands outside of ideology, outside power relations, which is in opposition to the view that critique can only be formulated from within discourse; second ideology seems to refer to a preconstituted subject, which is in opposition to one of the main aims of discourse analysis: to show how subjects are constituted through discourse, and thirdly, ideology can only function in relation to a material reality which determines it, in the form of social and economic structures (Mills, 1997:32). The rejection of ideology in the work of Foucault has not hindered the fact that much literature drawing on his texts still, in one form or another, have preserved the concept of ideology and incorporated it as a part of its theoretical apparatus. This is especially evident in the work of the critical discourse analytical school (CDA) which includes, but is not limited to, work by writers as Fairclough (2001; 2003), Wodak (Wodak et al, 1999), Chouliarki (Chouliarki et al, 1999) and Van Dijk (2001 in Wetherell et al). However, what separates these writers from much of the other discourse work drawn on in this essay is the way that discursive practice is explicitly placed in relation to an extra discursive reality, social structures, then, existing in a dialectical relationship with discourse and practice (Fairclough, 2001:31). Much of this work has an explicit emancipative aim, focusing on how discourse reproduces social inequalities, and on the strategies of elites in the maintenance of these inequalities (Van Dijk, 2001: 301 in Wetherell et al). It is no surprise then that the concept of ideology inhabits a prominent position in these accounts as those representations which work in the service of sustaining unequal relations of power (Fairclough 2001:70; 2003: 9). The concern is basically with top-down power relations, and the different strategies employed to reproduce them, exemplified by Van Dijk with manipulation, defined as the strategic ways to change the mind of others in one's own interests (Van Dijk, 2001: 302 in Wetherell et al). Power from this perspective is indeed 'appropriated and held' and the interests that inform the exercise of power are represented as more or less stable, owing to the relative stability of social structures.

### Applying ideology

Wetherell and Potter (1992) in their account of racist discourse in New Zealand explicitly

regard discourse as being thoroughly and unconditionally constitutive of subject and reality, and as such, seem to occupy a position, in large parts, contrary to that of many CDA writers: ‘The psychological field and the social field- subjectivity, individuality, social groups and social categories – is constructed, defined and, articulated through discourse’ (Wetherell and Potter, 1992:58). However, there are aspects of their account, which in the light of this proclaimed thoroughly constitutive stance become rather problematic, which as will be argued for, arises, as a consequence of the way that the concept of ideology is defined and employed. The writers state: ‘Discourse is not (...) inherently ideological. It becomes ideological in argument, debate and application’ (p. 139). This is exemplified by the way that essentialist statements formulated by Maoris (which are identified as the object of this racist discourse) are not considered ideological, but ‘counter ideological’, since they are put to work in the interest of Maoris. That the meaning of concepts transform as they appear in different discursive contexts is not something that will be contested in this essay, and this is not what is problematic here. What is contested however is the use of the concept of ideology as it results in an ambivalence concerning social groups, as they are, on the one hand, regarded as discursive constructions and on the other, seem to be awarded a more independent existence, and as such are positioned in a set of already determined power relations.

The domination of the Pakeha (New Zealanders of European origin) over the Maori is established prior to the analysis, as racist discourse in the context of New Zealand society is regarded by the authors as discourse ‘which justifies, sustains and legitimates those practices which maintain the power and dominance of Pakeha New Zealanders’ (p. 70). Which statements are to be considered ideological is thus made with reference to the ‘actual’ social position of whoever is doing the speaking, the interests of whom are derived from this position. As what counts as ideological in this account, seem to be dependent on the predetermined interests of individuals, important aspects of how discourse operates falls out of the analysis. This is apparent in the unproblematized interpretation of essentialist statements produced by Maori, deemed ‘counter ideological’, because of their seemingly beneficial outcomes. However, the precision of statements, including those produced strategically, can hardly be underestimated. The meanings of strategic statements always carry with them meanings which exceeds the purposes for which they were intended (Butler, 1998: 277 in Phillips; Mills, 1997:30). As such there is no reason why these statements should be regarded as less ideological, or generally, more beneficial, for neither Maori nor Pakeha.

Wetherell and Potters account provides a view of discourse which derives its meaning partly from the way categories and concepts are organized in a discourse, and partly from the social structure already in place which acts as its context, in which the Pakeha is in a position of domination in relation to the Maori. In attaching the racist discourse to a specific social group (the Pakeha), discursively constructed or not, domination becomes conceptualized as more or less clear-cut phenomenon, through the establishment, by the writers, of the bipolar positions of those who dominate and those who are dominated. At the same time it becomes clear that it is not their analysis of discourse that results in conclusions about power relations in New Zealand society, but the other way around, thus failing in their effort to refute the image of ideology as playing 'an after-the-event type role' (Wetherell et al. 1992: 60).

The problem with ideology seems to be that it supplies a universe in which power relations and subject positions are already identified that precedes the analysis of a discourse and applying to it a theory of society, of social relations, exterior to discourse. What initially comes across as an account in which the constitutive power of discourse is the central concern, guiding the focus of the analysis, ultimately can be seen as establishing a dialectic relationship similar to the one established between discourse and the extra discursive by adherents of CDA. This seems to entail a view of power relations between social groups and classes which is founded on the assumption that these groups are unambiguous entities actually existing in society, independently from how they are represented in discourses. As Alvesson and Sköldberg states, there is not much to gain from being pedantic about minor signs of ambivalence or paradoxes in a text, but combining ontological positions which seem to run counter to each other justify some criticism (Alvesson et al, 2000:181).

### The redundancy of ideology

As mentioned above the concept of ideology also forms a part of the discourse theory based on the work of Laclau and Mouffe. Here ideology is connected to the concept of hegemony defined as 'an articulatory practice instituting nodal points that partially fix the meaning of the social in an organized system of differences' (Torfing, 1999: 103). Ideology then consists in discursive forms which aim to construct society and social agency as unambiguous and 'decidable' (p.114). The concepts of objectivity and ideology in discourse theory are thus closely related, if not coterminous (Winter Jørgensen and Phillips, 2000: 44). Ideology is about denying the contingency of representations of the real world (Torfing, 1999:116). This

being said, one wonders in what way it is possible to separate ideological discourse from non ideological discourse. From the view point of this essay, the attempt to fix meaning, to appear natural or as common sense, to represent reality as unambiguous is the very essence of the concept of discourse. Discourse per definition includes totalizing aspects and claims to universality, and even if a specific discourse might seem more closed than another, this is not enough to warrant the insertion of a concept like ideology to label it. Even Laclau and Mouffe assert that ‘every discourse is constituted as an attempt to dominate the field of discursivity’ (Laclau and Mouffe 1985:112 cited in Torfing, 1999: 98). How then can the degree, to which a discourse is characterized by closure, objectivism or essentialism, be determined? It seems as if ideology in discourse theory does not do any real ‘work’ as any discourse, by definition, could be labeled ideological. The concept of ideology then, becomes devoid of meaning, and as such redundant. One can not help but get the feeling that ideology has been kept in discourse theory simply for the sake of paying homage to the theoretical tradition from which it is has grown.

In conclusion, it seems as if the concept of ideology in combination with a position that acknowledges the constitutive aspects of discourse concerning subject and reality, either end up with a theoretical apparatus based on contradictions, as in the case of Wetherell and Potter, or, as in the case of discourse theory, renders the concept useless. Ideology, in limiting the analysis to how already established power relations are reproduced through discourse, excludes an analysis of the power relations that are implicated by discourse, other than those that are presupposed in the first place. Thus, the complex and sometimes contradictory character of discourse is denied in the eagerness to correct unwanted social conditions.

This being said, there is no denying that any text using discourse analytical assumptions, including this one, implicitly take many things for granted, acting as these things where existing more or less independently from discourse. The decision to analyze a discourse does not automatically award the analyst with a free pass enabling her/him to leave the discursive realm, to direct criticisms at it from the outside. A certain amount of reflexivity, considering how a certain analysis, the delimitation of the material being used and so forth, are conditioned by and reproduce certain constructions is important (Alvesson et al, 2000: 245). However, the task of deconstructing this text is left for someone else. If not else for the fact that making a text appear open, already reflected on, already deconstructed, risks constructing the text as even more disinterested and god-like, than it was in the first place (Potter, 1996:

10).

## The materiality of discourse

If the concept of ideology is thrown out the window, thus disqualifying references to domination and exploitation as occurring independently from discourse, in what way can the production of subject through discourse be said to matter?, or rather, how can the subject positions produced through discourse be theorized as being material? Some social constructionist stances (Burr, 1995, Wetherell et al, 1992) operate with an understanding of the human subject as thoroughly constituted by discourse, that is the human subject as such has no definable nature that can be discovered (Burr, 1995: 5). In this view language is a precondition for thought, as language provides the framework of meaning necessary for thinking (Burr, 1995: 8). Discourse, thus constitutes, reality and the subject through language. However in opposition to this, *decentering* the individual subject, thus denying it the position in the center of the analysis of the social, does not mean to deny that there are individual people, with bodies and inner worlds. If not otherwise the idea of a subject completely devoid of traits until it appropriates language seems highly implausible. If meaning is relational and the subject is regarded as blank, it is hard to see how language can ever be appropriated. If a concept is dependant on the meaning of other concepts to be understood, how can a first concept ever be appropriated? How does language 'stick'? If humans are born with no intrinsic features what so ever wouldn't it be equally hard to teach language to a baby as it is teaching it to a piece of wood or a hat? A similar point is made by Collin in his discussion about ethno-methodology (Collin, 2002).

Employing discourse analytical assumptions as the base for an analysis does not, as has already been stated, imply a position which denies a physical reality existing independently of human thought. The construction referred to when discourses are said to 'construct' reality, is not an ontological claim but a statement about how the lack of unmediated access to reality forces us to consider instead representations of it. In clarifying this stance, however, reference is sometimes made to how seemingly unambiguous events such as earthquakes and falling bricks can be conceptualized in many different ways, as the act of God, as natural disaster and so on (Laclau and Mouffe quoted in Howarth et al, 2000: 3). Howarth exemplifies with a forest lying in the path of a planned motorway, and how such a forest can take on a range of different meanings, as an obstacle for the development of infrastructure, as a symbol for

threatened natural heritage, et cetera (Howarth, 2000: 102, Howarth et al. 2000: 3). From a methodological point of view these examples are somewhat unfortunate as they seem to suggest that what is taken as the point of departure of an analysis is the reality around which discourses are being constructed, rather than the discourses themselves. Concepts, as phenomena, become presented as the motor of discourse, the essence from which it was created. Discourse analysis in this particular form can take as its object, not only, texts or speeches, but also historical events, ideas and, even organizations and institutions analyzing these 'as texts'. (Howarth et al, 2000: 4). There seem to be no limit to the phenomena that can be 'read' directly for meaning. Thus, uncertainty arises about the ways in which a discourse analysis can be conducted. If one posits that reality in itself is not permeated by meaning it becomes hard to understand how, for example, a historical event can be analyzed taking the event in itself as the object of analysis. The object of analysis, according to the approach employed in this essay, is more narrow, as it focuses on the statements or texts (text not used here as a metaphor) in which events are represented and given meaning. Using 'text' as a metaphor seem to imply that reality can in fact, contrary to the theoretical commitments of the discourse analytical approach, be read directly for meaning, as long as the label 'text' has been slapped on it.

### Materiality as social practice

What role 'physical reality' should play in discourse analysis and how to regard the way in which individuals produce discourse is not a matter that is easily settled. The question arises then what can be said of the materiality of discourse. How can the relation between discourse and the material be understood? If straightforward, causal relationships between physical reality and discourse are denied, in what ways can discourse be said to matter at all? The appropriate question, however, is not, strictly speaking, about establishing what the relation is between language and the material, but how the material and discourse, social practice and language, can be conceptualized as a whole (Neumann, 2003:76).

Social practices can be seen, partly as the way in which discourses are constructed around procedures regulating its distribution, defining the subjects who have the authority to speak about the objects defined by discourse (Foucault, 1993: 16). And partly in the way that: 'Discourses (...) define *knowledgeable practices* by these subjects towards the objects which the discourse defines, rendering logical and proper interventions of different kinds, disciplining techniques and practices, and other modes of implementing a discursively constructed analysis. In the process, people may be destroyed as

well as disciplined, and social space comes to be organized and controlled, i.e. *places and groups are produced as those objects*' (Milliken, 1999: 229 italics in original). In being awarded the position of the very object of knowledge of a discourse, subjects are faced with having certain identities imposed on them which may or may not coincide with the identities they already hold, and which may or may not be experienced as detrimental. For example, the concept of 'illegal immigrant' derives its power from a multitude of discourses in which it is defined in different ways, and through which it becomes involved in different practices as a result of how it is conceptualized. This connects to Huysmans (2000; 2006) and Bigo (2001 in Albert et al. 2001a in Guiraudon et al.) as the importance of institutionalized knowledge production to the conceptualization of immigration and asylum as security issues is central to their work. However, instead of conceptualizing the sites of knowledge production, like for instance security agencies, police and customs, as the undisputed center of the articulation of discourse, as Bigo seems to do, what is emphasized here is the way that these sites have been *awarded* this authority through discourse rather than gained it themselves. These discourses distribute authority to specific subjects in dealing with a concept like immigration in specific ways, and by implication, dealing with those subjects (the objects of knowledge), who are defined as pertaining to the group of for example 'illegal immigrants'. At the same time the subject position of 'illegal immigrant' is likely to be lived and felt in a very material way by those occupying this position.

Bacchi, referring to Bordos (1993) study of eating disorders, writes about 'material discourse effects', criticizing Foucault for his way of challenging the idea of rape as sexual, since it, according to Foucault, derives its power from the discursive construction of sexuality. As she concludes, 'the feelings of rape victims will reflect the 'lived effects' of discourse. There are real bodies and real people living the effects of discursive conventions, and it is essential to attend to the harms they experience' (Bacchi, 1999: 45-46). One might object to the use of the word 'effects', as it works to separate the discourse, the subjects and objects it creates, invoking a sense of causality between them instead of seeing all these as part of the discourse. Seidel and Vidal (1997 in Shore and Wright) present an example of a similar view in their investigation on 'culturalist discourse' concerning HIV/AIDS in Africa. This discourse tend to construct Africa as an undifferentiated whole which is incapable of change as a result of certain immutable cultural traits. The implications of this discourse are that as HIV/AIDS in Africa is conceptualized as a more or less unsolvable problem, a lost cause, this will have negative effects on the possibilities of raising international funds for this particular cause (p. 77). For a person

carrying the virus, the way that they are positioned by these authoritative discourses, discourses formulated from an authoritative position, becomes literally a question of life and death. These examples might not be entirely translatable to this essay, however, the important point here is that the materiality of discourse is not to be understood as those material conditions around which discourses are constructed, but rather as the social practices, inseparable from discourse itself, that distributes authority to speak and act, at the same time as they are experienced and lived. In an effort to concretize the of study discourse, while including the conceptualization of power as productive, as well as its materiality, thus demonstrating that the study of discourse goes well beyond the study of language, we turn now to the concept of policy.

## 4. Policy analysis

### Policy, discourse, policy discourse

In this essay the context is identified as the EU policy domain of the AFSJ. Narrowing the focus to the analysis of policy the aim is to find a way in which the institutionalization of discourse in a system for political decision making can be conceptualized and studied, through the merging of the concept of discourse with that of policy. The empirical material of this essay is made up by various texts produced within the context of a certain policy domain, the AFSJ, formulated in the larger context of the EU. To start with, there is a need to clarify that the discussion of policy focuses on *public* policy, which does not include the policies of, for example business corporations or NGOs but are policies formulated within the context of public institutions and agencies which are formally designated a key role in the process of the making of rules and laws concerning a society. Policy is often viewed as a purposive process to deal with some issue which has been identified as a (societal) problem (Hill et al, 2002: 5). The policy process can, from this perspective, be divided into more or less distinct stages, in which different actors play different roles in affecting the specific policy. What seems to be generally agreed on is the way that policies continue to be *made* through all these stages, not least at the stage of implementation (Fischer, 2003:8). Recognizing the way that policies become transformed, as they are interpreted and assigned meaning in various ways which may differ radically from the initial formulation of a policy text is, as Yanow (2000) has shown, an important aspect of understanding a specific policy. How then can an analysis which merely includes the official policy texts, as does the analysis in this essay, be said to generate any kind of understanding regarding the specific policy? To answer this question the

relationship between discourse and policy must be specified. In line with Bacchi, policy is here seen as ‘an instance of discursive practice’. What this means and how this definition differs from some other ways of conceptualizing policy will be discussed here.

### Argumentative policy analysis

To acknowledge the importance of the concept of discourse in studying policy, can mean different things, and entail different methodologies. Fischer (Fischer, 2003, Fischer and Forrester, 1996) establishes an account which draws on critical theory as well as discourse analysis in a trying to reformulate the aims of policy analysis. This is in opposition with a more traditional policy analysis, which conventionally describes policy in terms of strategic interventions to resolve problems (Fischer, 2003: 60). Policy analysis from this point of view is concerned with how the confrontation of different subjective realities with each other, can create understanding of different positions, and through deliberation, including as many views as possible, reaching solutions in a spirit of consensus (Fischer, 2003:222). The aim of research in the field of policy analysis is to uncover how communication is ‘distorted’ in political institutions, turning attention to the discursive practices of planners and analysts, making them critically reflect on their way of structuring arguments (Fischer, 2003: 224). This processes of critical self reflection will, hopefully, result in the surfacing of unconscious forms of communicative power, and the development of ‘a democratic, yet rational, public communication’ (Ploger 2001 cited in Fischer, 2003:224). This is in line with the habermasian conception of deliberative democracy, where true political legitimacy rests on the character of processes of communication of the democratic procedure aiming at mutual understanding (Dean in Ashenden & Owen, 1999:167) and problematizing the abilities of scientific knowledge to come up with solutions for, what in the past have been represented as, more or less unambiguous and identifiable problems which need well informed policy answers.

What Fischer and many of the writers which to a varying degree have incorporated elements of discourse theoretical assumptions into their work (Fischer, 2003; Fischer et al. 1996, Hajer, 1995; 2005) seem to agree on is that policy analysis as such must move away from the assumptions governing strictly technocratic policy making, towards a view of policy which does not in the same way deem some sources of knowledge, such as scientific or professional, inherently superior to others (Dunn, 1996:283 in Fischer et al). As Fischer states, the post-positivist stance which he argues for takes account of the foucauldian view of truth and

knowledge as a matter of convention, however ever, in line with Habermas, he does not share the constitutive aspects of discourse regarding the subject, which is left very much intact (Fisher, 2003: 38). The focus of policy analysis from this perspective has shifted to how different actors which engage in processes of policy formation use rhetoric, construct arguments, narratives, frames and storylines, thus struggling for, and giving privilege to certain aspects of issues.

What many of these writers seem to have in common is the basic assumption that it is the actual struggle between political actors or claims makers, and how this struggle is structured, that give rise to specific policies, which might explain the focus on the 'actual' process of policy making. The argumentative approach that Hajer (1993; 1995; 2005) adheres to draw to a certain extent on discourse theory, conceives of politics as 'a struggle for discursive hegemony in which actors try to secure support for their definition of reality' (Hajer, 1995: 59). The focus is thus on how actors, with competing views, make their take on reality seem attractive, and how one version come to assume a dominant position in relation to competing discourses. His point is that it is persuasive 'storylines' rather than objective facts; emotional orientation rather than entrenched core beliefs that govern policy change (Fischer, 2003: 102). There is a clear parallel here to work concentrating on social problems by writers like Spector and Kitsue (1987) and Loseke and Best (2003) which has moved the focus from the 'actual' problems to the activity of claims making. A point made by Spector and Kitsue in shifting focus from social problems as such to the activity of claims making is that social scientists do best not to make statements regarding the truth value of domains in which they have no ability to evaluate research findings (Spector et al, 1987: 77). The discourse concept used in Hajers account puts emphasis on how individuals jointly create meaning through interaction, establishing discourse as a way of interpreting a complex reality (Fischer, 2003: 113). Hajer defines discourse as 'an ensemble of ideas, concepts, and categories through which meaning is given to phenomena' (Hajer in Fischer & Forrester, 1993:45). This definition takes account of the constitutive aspect of discourse, in terms of its capacity for generating meaning, but can nonetheless, from the point of view this essay, come across as somewhat problematic as it involves some concepts, such as 'phenomena' and 'ideas' which signals establishment of a causal relationship between discourse and an extra-discursive realm.

The concept of phenomena seems to anchor Hajers view of discourse in factual reality, being thought of as provoking discourse. Discourse is regarded, as constitutive of reality and subject

only to a certain extent, as it is also conceptualized as tool which can be used strategically, by actors or groups of actors, discourse coalitions, through the medium of ‘storylines’, to counter other accounts of reality (Hajer in Fischer and Forrester, 1996: 47). Conceptualizing for instance ‘illegal immigration’ in this way, as concepts ultimately derived from real world phenomena, would limit the analysis of the policy which employs them, to either how different groups define them or how well they are dealt with through policy. It seems imperative to avoid the temptation of using concepts like ‘trafficking’; ‘immigration’; ‘illegal immigration’ as if these concepts were meaningful in themselves. This would, by consequence, hinder an analysis of the ways in which these concepts are actively constructed through their use in a specific policy context, and how they accrue meaning through the way that they are positioned in relation to each other within this context.

If the concern in argumentative policy analysis is with how certain discourses become dominant, in argumentative struggles, through, for example, the medium of storylines, the focus in this essay is on how the already established dominance of a particular discourse within a specific context is upheld and reproduced and what the material implications, in terms of social practices, of this discourse are. By awarding great importance to the rhetorical, argumentative aspects of policy making argumentative policy analysis convey a certain sense of openness in that the different positions, successful or not, seem to be placed in a symmetrical relation to one another. As if all positions have the same ability to become successful if only they are packaged the right way. Argumentative analyses, in focusing on the interaction of conflicting views, also fail to see how the shared assumptions of otherwise divergent positions, work in an exclusionary fashion in relation to alternative ways of conceptualizing issues, something which can be attributed to the habermasian influence in much of this work. Thus, that which is regarded as consensual, what is widely agreed upon, is that which becomes problematic from the perspective of this essay. The attainment of a consensus should not be treated as the end point of a debate but should rather be seen as the point of departure from which inquiries are made.

### Interpretative policy analysis

Yanow employs an anthropological position in conducting interpretive policy analysis, criticizing the straightforward way of regarding policy as having passive ‘targets’ and emphasizes how policies are jointly and actively constructed by different policy relevant

communities, interpreting, 'reading', the policy in different ways (2000: 18). Any policy from this perspective can carry a range of different, and sometimes oppositional meanings, and it is up to the analyst to acquire the local knowledge of policy makers, as well as those implementing policies, and affected citizens to draw out these meanings (P.10). By analyzing among other things the metaphors, categories and symbols employed by policy relevant groups and actors the aim for the interpretive analyst is to attempt to show the implications of different meanings as well as to mediate and negotiate between these meanings. From this perspective, the meanings of a policy cannot be extracted merely by reading the formal policy text but must also include the meanings produced in different 'interpretive communities' (p.37).

The implications of Yanow's perspective for this essay seem to be that its empirical material, the texts analyzed, are grossly inadequate for understanding the meaning of this policy as the only texts that are considered are those by the authors of the policy. This is not necessarily problematic since the aim of the essay is to show how the specific policy discourse, enable certain practices, while ruling out others by the way that it privileges certain assumptions about society and by the way that it (re)produces certain concepts and categories. What is also emphasized in this essay is the way that policy signals the institutionalization of discourse, and the way that this institutionalization reproduces specific practices, ways of dealing with an issue. In parallel with the argumentative policy analysis in the work of, among others, Fischer, what seems to be lacking from the account of Yanow is considerations about the role of power in the process of interpretation. It is easy to get the impression that all interpretations of a policy are of equal weight and that the contending meanings of different 'interpretive communities' are in the same position to define a policy. Surely, the possibility for different policy relevant communities to take part in the construction of meaning of a policy differs depending on what policy one is talking about. What seems quite clear is that the formulation of a policy in terms of a logic of securitization restricts the possibilities of 'interpretive communities' of reinterpreting the policy, as it is materialized in social practice.

### Policy as discourse

As has been already stated in this essay, the production of discourses within a political apparatus rests on, and is only made possible by, its previous existence in society (Foucault, 1980:122). As Haar and Walters (2005) state in their genealogical account of 'Shengenland',

identifying a specific discourse within the frames of a political institution such as the EU does not mean that the EU should be neither regarded as the source of this discourse nor as its limits. Thus, the concepts and categories that are employed in the construction of social reality are not to be thought of as the property of those that give the impression of governing this construction (Bourdieu & Wacquant, 1992:10). The way that ‘government implicates truth and rational problem solving’ (Gottweis, 1998 cited in Ibrahim, 2005: 16) makes policy formulation highly dependant on the specialized knowledge of experts and professionals. An appropriate example can be found in Quassoli (2001 in Guiraudon et al) describing the way that the discursive practices of professionals come to shape how policy issues are defined. In his case it is the way that law enforcement officers produce images of immigrants as being more inclined to criminal behavior than non-immigrants. His conclusion is that ‘practical purpose descriptions and categorizations’ of problems and appropriate actions lead to common sense theories about society and social groups which are then acted upon and invoked in a variety of social settings, not least policy making (p. 166). From this perspective, the formulation of policy cannot be seen playing the role of filling an empty space, but rather, to a great extent, organizing itself along the lines of the discursive practices already in place.

A policy then can be conceptualized as discourse which have become embodied and formalized, and provided with instruments to materialize and uphold its practices, ‘giving institutional authority to one or a number of overlapping discourses’ (Shore and Wright, 1997: 18). As discourses are institutionalized and becomes rearticulated as policy it can be said to take on a specific form or a style, something which can be likened to the concept of genre as applied by Fairclough (Fairclough, 2003) regarding it as more or less stable forms for producing discourse such as a scientific research paper, news reporting etc. (p. 66, 74). This is a style of articulating representations of reality which can be said to be oriented towards problem solving, closing information ‘gaps’, being concerned with ‘objectives and objectivity’ (Apthorpe, 1997: 56 in Shore et al). An important aspect of policy, then, is the formulation of problems and subsequently the adequate responses to these problems which makes the concept of discourse highly suitable for the study of policy. As Ball states: ‘(P)olicies are, pre-eminently, statements about practice- the way things could or should be- which rest upon, derive from, statements about the world- about the way things are. They are intended to bring idealized solutions to diagnosed problems. Policies embody claims to speak with authority, they legitimate and initiate practices in the world and they privilege certain visions and interests. They are power/knowledge configurations *par excellence*’ (Ball, 1990: 22 italics in original). The object of study from this perspective is the ‘problem

representations' around which policies are built (Bacchi, 1999: 36). Thus, the formulations of problems within a policy not only constitutes a positioning of an issue on the political agenda, but in doing so also constitute subjects with specific aspirations and fears as well as producing an order which define the relative importance of objects and events (Edelman, 1988: 12).

The specific form which policy has taken must be understood as a result of processes of institutionalization of discourse; of knowledge production. Processes, through which, knowledge has become distributed in certain ways, defining authorities who can speak of, an act on, this knowledge. Policy discourse can be conceptualized as the institutionalization of discourse into an authoritative position of enunciation from which the imposition of subject positions can be made effective. The dominant position of a discourse within a certain policy field can be ascertained if it is widely employed within a social unit (a firm, a policy domain, a society et cetera) and if a discourse has been institutionalized, understood here as a discourse which 'solidifies into institutions and organizational practices' (Hajer in Howarth et al. 2005: 303). However, in connection with the discussion on the limits of discourses, it is important to note that the institutionalization of a discourse as policy should not be regarded as a kind of free floating self contained entity that all of a sudden take solid form in materializing as a policy. The formulation of a policy through the articulation, the combination, of already circulating discourses supplies the specific policy discourse with new logics through which categories and concepts acquire new meanings. Immigration and asylum in the policy of the EU has given these issues very specific meanings, through their clustering together with the other policies within the AFSJ, tying them to the logic of securitization which works to structure how the policy is formulated.

## 5. Securitization- an analytical framework

### Conceptualizing security

The analytical framework of securitization constitutes a movement away from more traditional ways of conceptualizing security. This movement is twofold; firstly it is a movement away from regarding security, as concerning foremost the relations between states; a movement away from the conceptualization of security as being foremost about state security. Security, or insecurity, is instead taken to signify the result of a plurality of processes, involving a range of different actors, operating in different sectors cutting across the borders of the state. Securitization, from this perspective assumes its specific

characteristics depending on the sector in which the securitization takes place, e.g. the economical, the environmental, the political, and so on (Buzan et al, 1998). This way of identifying sectors is about asking whose security one is talking about (Waever, 1997:29). Buzan and Waevers way of establishing the concept of securitization can be understood as a reaction to traditional realist and state centered tradition of this discipline, which has, to great extent focused on the relations between states, understood as well confined entities. Secondly, regarding securitization as a form of discursive practice removes the threat as such from the scope of analysis and focuses on the way that issues are *represented* as security issues. The threats as such along with any assessment of the validity of them are thus not the concern for studies on securitization. The concept of security from this perspective can be identified as a specific mode of making policy questions intelligible as well as widening the scope of which issues can be securitized (Huysmans, 2006: 27). However, as Eriksson notes, securitization can also be seen as a rather specific way of talking about security, referring to the representation of existential threats and as such not applicable to all thinkable conceptualizations of security (Eriksson, 2001: 9, 47).

The securitization of an issue is described by writers like Waever and Buzan as an event which entails the deployment of extraordinary measures by politicians for dealing with specific issues which are formulated in terms of existential threats. The act of securitization is represented as step away from, and a failure, to deal with issues as normal politics, indeed as an extreme form of politization (Buzan et al, 1998:23). However, it might be that this division between ‘normal’ politics and the use of exceptional measures is given too much weight especially as regards the issues of immigration and asylum, stating, as Levy does, that the coordination of people’s movements across the borders of Europe has always been represented in parts as a security issue (Levy, 2005:26-27). The institutionalization of a discourse of securitization concerning these issues can not be seen as merely the result of an ‘act of securitization’ by the elite politicians but as a process which is partly implicated by the very consolidation of the European nation state, as well as the complex processes through which the increasing politization of immigration and asylum since the seventies and their subsequent formulation in terms of security have been made possible. Thus, the securitization of these issues can not be reduced to the speech acts of individual politicians.

Regarding securitization as discourse produced by political elites to mobilize public support for specific policies (Mitsilegas et al, 2003: 47, Buzan et al. 1998) overemphasize the

conceptualization of the political as a 'spectacle' (Edelman, 1988) regarding the public in terms of an audience from which it is separate, however dependant upon. In opposition to this view the securitization of immigration and asylum in EU policy is regarded here as dependant on processes which involve a range of social practices, academic and professional, as well as political, through which these issues have been represented in very specific ways. In line with Huysmans, the technocratic aspect of politics is emphasized here, and as such, politics is regarded as highly dependent on expert knowledge, knowledge which is inherently political, both in the way that policy problems and responses are represented in specific ways, but also in the way that these representations carry with them particular understandings of the political and the political community. To conceptualize a way in which these understandings can be drawn out we turn now to the logic of securitization.

### The logic of securitization

Discourses are imbued with certain logics which can be seen as the rules and practices that govern the relations between discursively produced objects, representations, in an institution or a system (Howarth, 2005:323). An example of this would be how discourses of nationalism follow a logic which presupposes entities such as territory, culture, people and state and connects them in certain ways, giving them specific meanings. Invoking security as a theme in policy entails the construction of three basic objects which are defined in the process of securitization: the threat, the object which is threatened, and the actions that are prescribed in maintaining the identity of that which is threatened (Huysmans, 1995: 54 in Miles and Thränhardt). This can be regarded as the logic of discourses of securitization. The logic of securitization thus provides a way of not only discussing how threats and protective efforts against these threats are represented; it also includes how the target of the threat is represented. Securitization entails the establishment of a universe in which the relations between these three discursive objects are defined, along with the objects themselves. It offers specific conceptualizations of problems and responses, of social and political relations as well as conceptualizations of what political community is and what it should be (Huysmans, 2006: 31). Indeed, as Campbell has stated, 'security is first and foremost a performative discourse constitutive of political order' (Campbell, 1992: 253). Thus, the securitization of immigration and asylum in EU policy, as Haar and Walters has noted (2005:98), not only work to create an image of the outside world but also position the EU itself in specific ways, awarding it with certain traits. Thus, the way in which the EU and its citizens are represented and positioned in

the definitional process of securitization, through the discourse of the AFSJ, plays a prominent part in how this discourse can be understood.

According to writers like Waever (1997) and Buzan (Buzan et al, 1998) 'speaking security' is not only a way of representing an issue a certain way, but also entail a certain way of structuring the way that policies are made. The securitization of an issue entails a way of formulating policy problems which signals urgency and unavoidability. The process of securitization involves the invocation of threats, which if not answered properly, with extensive counter measures will endanger the continued existence of what ever it is that needs protection, traditionally the state (ibid. p.36). In the case of the analysis performed in this essay we shall see that, what is formulated as needing protection can be a range of discursive objects, such as the very system of asylum, asylum seekers in 'genuine need of protection' or the collective of citizens of the EU et cetera.

It is important not to regard the analytical isolation of the three elements of securitization as reflecting the actual process of definition or as inherently separate concepts, but rather to conceptualize them as intimately connected parts of a whole, reinforcing each other in the course of the process. The representation of these objects can thus be thought of as presupposing one another. Another aspect of securitization which is intimately connected to the discourse analytical assumptions in this essay is the way that the logic of securitization, in producing the discursive objects which is an inherent part of it, is effective in limiting the field of conceptualization regarding the policy issue. The way that the AFSJ policy is formulated makes this discourse effective in dominating the field of conceptualization of issues by ruling out alternative perspectives, most notably, as several writers have pointed out (Cf Huysmans,2000; Lavenex, 2001) the conceptualization of the issues of immigration and asylum in terms of human rights.

### Societal security

The concept of societal security is formulated by some writers (Waever, 1997, Buzan et al, 1998) as a concept that help differentiate the security concerns of a society from that of a state. This is a part of the differentiation of different types of security, regarding them as pertaining to different sectors. It is also a concept which is used to signal the actual processes of change in societies where the securitarization of relation between states become less and

less relevant and where concerns are increasingly with more dispersed threats such as organized crime, but also with what is presented as threats to the cultural or ethnic composition of a society. Perhaps the most important aspect of this concept is the way that it highlights the way in which the securitization of a policy issue is a way of mediating belonging and of defining the criteria of membership through the formulation of threats (Huysmans, 2000:757). This is in line with the way that Campbell has conceptualized the role of ‘discourses of danger’ which in defining what to fear also establishes a ‘we’ to carry these fears (Campbell, 1992: 195). The key principle of societal security is identity, and societal *insecurity* then is defined as the identification by communities of threats to the survival of their community (Buzan et al, 1998: 119). However, Waever and Buzan seem to take the identities of communities, societies and nations more or less for granted as an actual reality even if Waever concedes that there is seldom a complete unity in a society, in spite of the willingness to protect it from outside threats (Waever, 1997:262). This presupposition about the independent character of identities as existing as important organizing principles of a society can however be seen as somewhat problematic. Even if it is stated that the whether or not what has been identified by a community as a threat, is actually a threat cannot be objectively determined, the construction of societal identities are only seen as constructed to the extent that ‘Communities of identity can form on whatever foundation appears useful, attractive or significant’ (ibid, p. 279).

What is problematic with this way of conceptualizing societal security is the way that the referent object, i.e. the identity community, must exist as such for there to be any identification of a threat to it. It seems to imply that for a securitization of an issue, in terms of societal security, to be ‘successful’ it must be tied to the actual identity of a community. What is then overlooked is the way that the representation of threats works as a constituent of the target as much as the other way around. Ibrahim also directs criticism towards Waever and Buzan and their way of conceptualizing societal security as a concept used to describe actual threats to society. This criticism is slightly misdirected and can not entirely be supported by how this concept has been formulated by these writers. However, Bigo also points to the problem of academic writers accepting concepts as ‘societal security’ at face value, thus feeding into dominant discourses of security (Bigo, 2001a in Guiraudon et al: 141-142). The concept of societal security risks becoming a way of describing real world security problems, instead of a way in which security discourse can be analyzed. Waever has also addressed this criticism against the concept arguing that the ‘enlightened use’ of the concept as an analytical

tool outweighs its possible use by for instance anti-immigration groups (1999:337). From this perspective then it is more favourable to regard the invocation of societal (in)security as a form of discursive practice, a theme in security discourse, which includes representations of communities of identity, as opposed to being regarded as *manifestations* of communities of identity. Thus, the policy representations invoking societal insecurity can be seen as the way in which pervasive discourses with nationalist logics shape issues in terms of threats against the very social fabric of society, in terms of political community, identity, or the safety of individual community members.

## 6. The material

The textual material which is analyzed in this essay is framed in time by the entering into force of the Amsterdam Treaty in May of 1999 and focuses on the work of the commission and the council of justice and home affairs (JHA) upon till today. The documents, communications, proposals, press releases, speeches, legislation, that have been produced by the commission and the council for JHA since 1999 makes up a vast mass of texts which, within the frame of this essay, can hardly be analyzed in its whole. However this time frame has been deemed appropriate since the work done by the EU during this time concerning immigration and asylum has intensified, with the Tampere European council as a starting point. This time frame should not be seen as an attempt to identify a period of significant change, or a break with past practices of policy formulation concerning these issues, rather as a continuation with past practices and involved in a process of gaining an increasingly established position in EU policy making. In the Tampere conclusions the commission was awarded the responsibility to keep a ‘scoreboard’, reporting on the progress being done in realizing the goal of setting up a common asylum system for the EU as formulated in the Tampere council declaration creating an area of ‘freedom security and justice’. These reports were to be formulated in bi annual communications to the council and to the European parliament for a period of five years 1999-2004. These communications are included in the empirical material. In addition to these communications I have at times included documents, such as proposals or working documents, which are referred to in the texts when such documents have been deemed relevant or contributing considerably to the understanding of policy, this also includes a speech by the President of the Commission, José Manuel Barroso and a ‘Eurobarometer’ survey. Thus, the limits of the material have to a certain degree been

adjusted during the process of screening. However, the overall goal has been to keep the integrity of these limits intact throughout the work with this essay.

The policy domain of the AFSJ files under the JHA council in which the ministers of justice of member states meet to discuss and decide on these issues. These meetings take place about once every two months after which a press release is issued containing a summary of the items debated. These summaries are also contained in the material. This might seem like an overwhelming body of text since within the time frame set up for this essay the JHA council has met no less than 47 times, producing somewhere around 700 pages of summaries. However, only parts of the material concerns asylum and immigration, and a part from the occasional ‘council conclusion’ (formulated in a more detailed fashion) these texts are formulated very much as overviews. Thus, screening the material for these ‘conclusions’ narrowed it down considerably, allowing for more detailed analysis of selected parts of the texts. A part from the European council presidency conclusions of Tampere of October 1999, signaling the start of a common asylum system, I have also included the presidency conclusions concerning JHA of the subsequent Laeken European Council of December 2001, the Seville European Council, the Thessaloniki European Council of 2003 and the Brussels European Council of November 2004. Included is also the ‘Hague program’ of 2004 as it is formulated as the next five year plan following the end of the five year plan set up at the Tampere Council. What can also be stated concerning the character of these documents, including commission communications, are that they are rather repetitive, revolving around the same themes, not seldom using the exact same formulations. It was therefore deemed necessary to include this rather large volume of material, to actually get an overall grip on the policy. However, this does not mean that all these texts have gone through a process of detailed analysis. Rather, as the work developed the screening of material became increasingly structured, facilitating what parts of texts to examine in more detail.

The commission makes proposals for EU legislation, but it has also a responsibility to monitor and report on the implementation of this legislation. At the same time the JHA council is important in producing frameworks for the commission. It should be pointed out that the limits drawn, concerning the source of the material is mostly a practical concern. Another point is that this essay is not primarily concerned with the policy making process, but with the policy as it has been formulated, as it is presented by the EU itself, which makes considerations about which institutions and actors have been instrumental in the creation of

this policy less relevant than should the analysis be concerned with the policymaking process in terms of competing interest groups or institutions. It has also been deemed relevant, for the purpose of this essay, to read the policy as it is presented by the EU itself. Thus, the way that, for example, the commission has structured the availability of material, what it emphasizes, and what is presented as being of less importance is also a part of the production of meaning. Letting the degree of availability structure what material is to be included in the investigation is, thus, not solely a practical matter, but also contribute to the understanding of the meanings of the policy discourse under investigation.

## 7. Method

Discourse analytical research is sometimes criticized for not being systematic or stringent enough and based on arguments that are difficult to replicate since the interpretative processes which lead to various conclusions might not be very structured. This critique can be seen as a consequence of the way that much discourse analytical work builds on the work of Foucault who only provides general methodological directions without presenting, in any detailed manner, how to go about conducting discourse analytical research. This aspect of Foucault's texts can, of course, be seen as strength as much as a weakness. The absence of a clearly developed method certainly provides his work with a certain openness which enables researchers from very diverse corners of the social scientific field to draw on and be inspired by it. However, many researchers have, rightly, felt compelled to add to it more specific methodologies in efforts to make research more systematic with respect to specific empirical materials.

The methodological approach here is a discourse analysis applied to a delimited textual material in combination with the theoretical framework of securitization; Securitization being defined, as above, as a form of discursive practice with an inherent logic which includes the three basic representations of threat, target and the action to protect the target from the identified threat. The method regarding the analysis of text in this essay is on finding representations in policy proposals which correlate with the discursive logic of securitization, something which is not attained through screening texts explicitly for rhetorical devices, but rather through a semi-structured interpretation of texts. Important for the analysis of the extracts that are included is an application of the theoretical assumptions of discourse analysis. This focuses on the ways in which these representations are worked up as being

natural or neutral, as existing outside of the political, representing the policy that is formulated as the only way to deal with an issue. This aspect of the analysis owes a great deal to the ‘What is The Problem (Represented to be)?’ approach developed by Bacchi (1999) which focuses on finding representations of problems inquiring into how these give rise to specific ‘policy responses’.

The analysis in this essay has not been structured according to any fixed categories in which representations could be neatly placed, rather, as the analysis progressed certain themes and recurrent representations were identified as central to how the policy is formulated. Reexamining the material some representations that had at first been deemed irrelevant were came to be considered as important and connections between different concepts became clearer. This method of processing texts bares some resemblance to the way that Wetherell and Potter conducted their analysis of text material (1992). This is also similar to the way in which Milliken, discussing different approaches to a more systematic discourse analysis, refers to how grounded theory, instead of using a priori theoretical categories, set up provisional categories, which are then applied and reformulated as familiarization with the material develops (Milliken, 1999: 234). As Wetherell and Potter point out, the concept of ‘method’ has its origin in an academic discourse concerned with quantitative analysis which make it tempting for the discourse analyst to compose some analogue set of codified procedures which would make possible the attainment of some definite ‘results’ (p.101). This would, as they also point out, be a mistake.

There is a difference here between approaches which regard the limits of a discourse as the result of an analytic operation, that is, something which is constructed by the researcher rather than something which is already delimited in the real world, there for the researcher to be mapped (Winther Jørgensen et al, 2000: 137). This essay is more sympathetic to the former of these conceptions but the limits between them are regarded as not entirely clear-cut. Statements can always be interpreted as being apart of a different discourse than the one under analysis, at the same time the way that discourses are institutionalized tend to award them a certain independency, and as such appear identifiable as contained discourses. However, and this is important, the problem of approaching a discourse as existing independently of the researchers delimitation of it, is that this identification can only be done by taking resort to an a priori established theory of society to which the analysis is fitted. One needs to be careful not to draw too wide ranging conclusions from the material that is analyzed, or at least

motivating the extent to which a certain discourse can be regarded as relevant in a wider context. Thus, the identification of a set of representations in the texts that are analyzed in this essay, does not make any conclusions to be drawn about the degree to which this discourse can be regarded as dominant in ‘Europe’ or elsewhere, only the way that it appears dominant in the material which is analyzed; the way that this discourse has been institutionalized in EU policy.

## 8. Analysis

### Introduction to the analysis

This section is structured according to some discursive themes that have been identified in the policy on immigration and asylum; themes that are all connected and overlapping. As such, the limits drawn between these themes shall not be regarded as signifying clear-cut categories but as different aspects of this policy the isolation of which is performed to facilitate an understanding of the policy as a whole. Thus, the attentive reader might notice that some of the extracts from policy documents figure more than once, under different headings as different aspects of them are being analyzed. The extracts of policy texts that are included in the analysis-section have been deemed important, partly as examples of what has been identified as recurring themes in the policy discourse as well as a way of showing in a more detailed manner how representations are constructed, as one of the aims of this essay is establishing *how* the immigration and asylum policy of the EU is represented as a security issue. The general aim is to perform a deconstruction, of these representations in terms of ‘opening them up’, which is different from trying to do away with concepts all together (Butler 1992:15).

The securitization framework is an important part of the analysis. However, what is also a central concern is drawing out the implications of how the concepts, which are produced through the logic of securitization, are defined in relation to other concepts that figure in this policy and how they work to produce a contained discourse which work to exclude alternative ways of conceptualizing these issues. The analysis is geared at searching for the concepts and categories which are presented by the policy itself as central and inquiring how they are constructed, what assumptions underlie them and how concepts are related to one another, reinforcing certain aspects, de-emphasizing or excluding others. Following Bacchi, there is a need to view the formulation of the “problem” as an integrated part of how the “response” is

formulated. The question is what presuppositions, what underlying assumptions these formulations rest upon. Applying a discourse analytical approach to the policy of asylum and immigration facilitates an investigation in how the concepts and categories of this policy are represented, and how they work to represent themselves as natural and neutral, indeed, as existing beyond politics.

### Threatening flows -asylum and illegal immigration

This theme can be seen as a general way in which the whole nexus of immigration and asylum is represented as problematic and indeed threatening for the EU and its member states. This theme relies on the conflation of the concepts of asylum and immigration and represents and as such represents migration for what ever reason as highly problematic. In the following extract from a council statement on the reasons for developing a common European policy on immigration, the representation of an increasingly threatening development is effectively worked up.

'This need is all the more keenly felt since the massive influx of immigrants leaving their country for humanitarian or economic reasons or for family reunification to enter the Union, legally or illegally, is a major problem now faced by all Member States. Forecasts of demographic trends in the countries of origin show that the influx of immigrants is likely to grow in the future, forcing us to give immediate consideration to taking practical measures at Community level so as to manage the phenomenon effectively.' (13865/00 (Presse 457).

This extract taken from a JHA council meeting in late 2000, offers an example of the way in which immigration is represented as a threat, the target of which is identified as the Member States of the EU. There is a sense of urgency running through these formulations which corresponds well to the way in which Waever and Buzan formulates the character of securitization. The seriousness of the threat is produced through the identification of it as, not only, a 'major problem' for all the societies of the EU, but also a problem that will be worsening, as a consequence of demographical change. This situation is represented as leaving no options, indeed 'forcing' measures to be taken immediately to deal with it. What is also notable is the way that the diversification of subject positions defined by the reasons for immigration: immigration for humanitarian or economic reasons and so on, are represented as posing a fused, unified problem in terms of a 'massive influx'. Notable is also the way that the reference to demographics implicates a scenario where the amount of people in countries of origin automatically correspond to the amount of refugees, economic migrants and so forth,

in itself a highly contestable claim. However, what makes it interesting here is the way that it connects to the representation of 'immigration' in terms of 'flows', 'influxes'; metaphors that work to represent the movement of people for various reasons in terms of natural phenomenon that needs to be 'controlled', 'managed' or 'mastered' (Bigo also writes about the use of nature metaphors in connection to immigration, 2001 in Albert et al.). Not only does the representation of this issue in terms of a natural phenomenon reinforce the representation of immigration as a threat from which the EU needs protection, but in combination with the reference to demographics it also projects an image where the countries of origin can be seen as a reservoir containing an undifferentiated whole of potential 'immigrants' which through demographic change will become full and threaten to inundate the EU.

As Yanow states metaphors are not merely a way of making descriptions of issues more colorful, especially in policy practices where they tend to have a prescriptive aspect (Yanow, 2000: 43). Indeed, metaphors are an effective way of associating a representation with certain images which help determine how one should feel about what is represented (Campbell, 1992:98 referring to White, 1978). This is evident in this case as the invocation of an impending natural catastrophe work to represent protective efforts as the only possible response to the described threat. The fusion of categories of migrants under this metaphor also represent all immigrants in terms of a problem or a threat, representing immigration as such as highly problematic for the member states of the Union as well as reinforcing the conflation of the issues of asylum and immigration. There is a wide spread agreement that immigration and asylum, two legally separate concepts, has become increasingly merged in European politics. Asylum seekers are frequently represented as economic migrants illegitimately claiming access to European labor markets by filing unwarranted applications. This has worked to facilitate the securitization of, not only illegal immigration but also asylum (Huysmans, 2000: 755; Koser in Koser et al, 1998: 185).

### The threat of the illegitimate asylum seeker

The securitization of immigration/asylum has taken the form of the identification of a threat to the states ability to carry out its duty with regard to 'legitimate' asylum seekers, those who 'justifiably' seek protection in EU member states. This theme also connotes the representation of a threat to the general ability of states to carry out its obligations to its own citizens.

‘(T)he Commission recognises that there is a crisis in the asylum system, more and more striking in certain Member States, and a subsequent growing malaise in public opinion. It notes that abuse of asylum procedures is on the rise, as are mixed migratory flows, often maintained by smuggling practices involving both people with a legitimate need for international protection and migrants using asylum procedures to gain access to the Member States to improve their living conditions. This phenomenon, as the communication states, is a real threat to the institution of asylum and more generally for Europe’s humanitarian tradition, and demands a structural response’ (COM(2003) 315 final)

The extract above is an example of a theme which is included in many documents making up this policy discourse a theme which is also present in the Tampere declarations of 1999 in which the policy domain of the AFSJ took a more solid form, although not formulated as explicitly. What is characteristic of this theme is the way that ‘illegitimate’ asylum seekers are identified as the threat of the system of asylum. Notable here is how the word ‘abuse’ is applied referring to how these migrants interact with the authorities in receiving states. Especially bearing in mind the way in which the word abuse carries with it an image of power relations which conventionally positions the abused in an inferior position to the abuser. Through the representation of the ‘illegitimate’ asylum seeker as the cause of the ‘crisis’ in the asylum system, responsibility is clearly removed from the EU and its member states. The EU is represented more in terms of a victim, which can be seen as a manifestation of the general insensitivity in texts in this policy domain for the ways in which laws and rules, through the way that categories and definitions are formulated, position its subjects, awarding legitimacy as well as illegitimacy. Removing the EU itself from this equation, representing its legislation as a neutral constant, enables a representation where the actions of ‘illegitimate’ asylum seekers can be identified as causing harm to ‘legitimate’ asylum seekers. This way of representing asylum seekers, as abusers of the system is not far from the way that asylum seekers have been represented as ‘queue-jumpers’ and contrasted with ‘genuine refugees’ in Australian political discourse (Gelber & MacDonald, 2006: 282). The way that legislation produces illegality, especially in the case of illegal immigration has often been pointed out (Boswell, 2003: 60). This, as Koser has shown, is particularly relevant when it comes to immigrants and asylum seekers as these groups are already positioned in the margins of legislation, which means that just a slight modification of laws might serve to categorize them as illegal (Koser et al 1998:186). The strict division between illegitimate and legitimate asylum seekers also, as den Boer points out, depend on the assumption that the division

between refugee and economic migrant is always unproblematic (den Boer, 1995:100 in Miles et al). Hardy point to the way that refugee determination is often represented as a quasi legal procedure in which available evidence is examined to 'reveal' if someone is a refugee or not. She concludes by saying that rather than being a rational process which separates the real from the false the identity of a refugee is unstable and discursively constructed (Hardy et al, 2002: 41).

In the policy texts of the AFSJ these categories, illegal immigrants and legitimate asylum seekers, are represented as contrasting, in an either or fashion, which can be seen as an effective technique of ridding the policy of ambiguity, representing it as being able to operate with certainty, where no such thing can be found, thus legitimizing its own authority. The way that discourse in general, and policy discourse in particular, is dependent on representing itself as free from ambiguousness and vagueness is indeed, as was discussed in the theoretical part of this essay, one of its defining traits. This extract also carries a resemblance with the previous one as it contains the representation of a menacing condition which is identified as gradually deteriorating and which must be brought to an end, if dire consequences are to be avoided. In this extract this is attained by the formulations invoking a 'crisis' which is 'more and more striking'; and 'abuse' which is 'on the rise'.

What is also notable with the representation of how 'illegitimate asylum seekers' 'abuse' the system is the way that abuse, in implying a set of power relations, positions the EU as a victim. In the extract the EU and Europe is also represented as the carrier of a 'humanitarian tradition' which is threatened by this 'abuse'. The EU itself is, thus, represented in a way that makes it appear as if the aim of this policy was first and foremost to uphold this tradition, but that the circumstances that are now present would prevent it from doing so in the future. This does not, however, correspond well to how this policy is generally perceived. As Lavenex has noted, the politization and subsequent securitization of asylum in the EU has to a great extent substituted the human rights context in which the issue of refugees was formulated during the immediate post-war period (Lavenex, 2001a:857). In this light, the representation of the 'humanitarian tradition' of Europe as being threatened by 'abuse' of the system of asylum partly reinforces the representation of the EU as a victim as well as reinforcing the malignity of the threat.

The way in which this representation of the illegitimate asylum seeker as an abuser is formulated shares a resemblance with how the reasons for the creation of the Dublin convention of 1997 (determining the state responsible for examining applications for asylum lodged in one of the member states of the European Communities) is often formulated in this policy. The most important objective of this convention is the harmonisation of the asylum system in the EU, thus creating a single system of asylum the implications of which is putting stop to the possibility of being granted asylum in one member state for applicants that have already being denied one in another member state. The resemblances concerns the way in which ‘illegitimate’ asylum seekers, illegal immigrants and so forth, are represented as having a considerable amount of autonomy. Which can be exemplified with one of the reasons for the harmonisation of rules for the application for visas as well as for asylum in the EU, namely to put as stop to ‘visa shopping’ (5831/04 Presse 37) or as is explained in this 2000 communication from the Commission:

‘The adoption of a common procedure and a uniform status should help to put the question of solidarity between Member States in a new perspective. It would reduce the impact of the phenomenon of ‘asylum shopping’ that is widely criticized in many quarters and the frequency of the secondary movements that are associated with it.’ (p. 10) (COM (2000) 755 final)

The metaphor of shopping thus refers to the way that an applicant in the past has been able to ‘shop’ for a visa in the EU, ‘taking advantage’ of variations in legislation of different member states. What is notable with this metaphor is, of course, the way in which it connotes freedom of choice, representing visa applicants as being in a position to pick and choose freely in a leisurely manner among various alternatives. Eriksson has also noted the way in which the formulation of an issue as a security issue often entails assigning blame and responsibility using metaphors and analogies, something which also have implications for the ways in which issues are dealt with (Eriksson, 2004: 113-114). In this case it is once again the EU and its member states that are represented as inhabiting a slightly inferior position to that of immigrants enabling a legitimization of the policy itself by invoking its necessity.

## The terrorist threat

Since the attacks against the World trade center on the 11<sup>th</sup> September 2001 the issue of terrorism has become a prominent feature of the AFSJ, which has had an undeniable impact on many policy areas, not least asylum and immigration The theme of terrorism in the policy

on immigration and asylum is a central one as it works to produce representations which carries implications for a large parts of these issues. It is a powerful theme since it is effective in creating contrasts between the EU and its exterior at the same time as it most explicitly applies the logic of securitization, the threat of terrorism being the epitome of a security problem. The question is how the issues of immigration and asylum are represented as being connected to terrorism, and how the concept of terrorism itself, is represented.

”The security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-boarder problems such as illegal immigration, trafficking and smuggling of human beings, terrorism and organised crime, as well as prevention thereof. Notably in the field of security, the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued.” (The Hague programme p.3 ).

This extract from the introduction to the Hague program is interesting because it provides a good example of how the securitization of immigration is formulated, what assumptions underlie the representation of these issues as security problems. Terrorism acquires the de-contextualised form of a general threat which is ever present, a threat that is presented as concerning all European citizens. What is meant by de-contextualized here is the way in which the terrorist attacks referred to in the extract above are represented to be occurrences of a phenomenon that can appear any where, at any time. Represented as a de-contextualised threat its occurrence seem to lack any discernible logic or reason which permits the reference to the two terrorist attacks to work as an invocation of an urgent need to upgrade the security of the whole EU. The act of terrorism according to this perspective can never be understood as a part of a process, including both the perpetrator and the target of a terrorist act. From a ‘terrorist’s’ point of view, it is doubtful that the target is articulated as being completely random; rather, what is represented by one part as a terrorist act can often be represented in completely different ways by others, as it is put, at least by those performing the act, in the context of a larger political struggle, with very specific aims, and subsequently carefully chosen targets to fulfil these aims. The point here, is not to try defining what causes terrorism neither to legitimize the act of detonating a bomb on a commuter train at rush hour but to challenge the assumption that such an act can be understood outside the way that it is rendered meaningful as political, however atrocious as it may be. This way of creating an unambiguous and neutral place outside the political, in which different subjects are positioned

beyond interpretation by the way that the relations between them are articulated as evident or natural is in itself a 'powerful and forceful practice' (Butler, 1992:7). It is powerful since it disguises the ways in which an issue such as this can be formulated in a variety of alternative ways and subsequently by the way that it implicates certain practices while rendering others unintelligible. The clear-cut identity of the concept of terrorism thus works in an exclusionary manner in relation to alternative conceptualizations, acting as a deterrent force to the formulation of these.

The decontextualization of the terrorist threat also serves to create an image which has greater implications for the issue of immigration. Terrorism is formulated as a 'cross-boarder problem', together with illegal immigration and trafficking in human beings, which depicts it as primarily an external threat, something that has to be stopped at the boarder to prevent it from reaching inside the EU. Huysmans has identified this way of positioning what is threatened, i.e. the European community, at the centre of a world view which is built around the image of a harmonious inside contrasted with a disharmonious, and threatening outside as a characteristic element of much discourse concerning immigration in Europe (Huysmans, 1995: 56). The illegal immigrant, then, becomes positioned as being a part of this disharmonious outside, and indeed, connected to the threat of terrorism. Notable is the way in which the rest of the paragraph is formulated as following naturally from the first phrase. The terrorist attacks referred to works as the headline in the context of which the rest of the paragraph is to be understood. The category of the "illegal immigrant" in this context becomes not only represented as illegal by way of entering a member state without permission, rather, being illegal becomes a defining trait of the "illegal immigrant", someone likely to be involved in different kinds of illegalities, for example, terrorism.

The way that terrorism is characterized as a cross-boarder threat also seem to imply that it is among the illegal immigrants that terrorists can be found, with the implication that if one is able to put a stop to illegal immigration, one will also put a stop to terrorism. The connection between immigration and security is not always as clearly spelled out; however the way that immigration and various threats are often mentioned under the same headline, in the same documents or close to each other in policy texts undeniably represent these issues as not only being connected but also represented as being the same types of issues, namely issues of security. The casual connection between these issues in much EU policy texts give an idea of the degree to which this discourse has been institutionalized, and regarded as natural. As in

this 2004 speech by the president of the commission, José Manuel Barroso, presenting the agenda of the commission in the form of points, one point being:

‘Taking forward policies on immigration, asylum and on the integration of immigrants in our society are other key elements. In addition we must implement the Counter-Terrorism Action Plan. Terrorism is the biggest threat to freedom in Europe and in the world’ (Barroso, 040722).

The way that concepts are mentioned in connection to each other, even if they, as in the extract above, do not form a coherent argument, shall not be underestimated as a way of implying an *actual* connection between them. There is no causal relation established here, neither is immigrants explicitly referred to as terrorists, however, what comes across as rather striking is the way in which immigration and terrorism, represented as the ‘the biggest threat to freedom in Europe and in the world’, are mentioned almost in the same breath, both included in the same point. The clustering of these issues in the policy domain of the AFSJ enables an implicit connection between them to be established, and reproduced in statements as the one cited above, without formulating these connections in any explicit manner. The issues of asylum and immigration in this particular statement become securitized by force of their position in a discursive context, in this case the policy domain of the AFSJ.

However, the ‘threat of terrorism’ does not only carry direct implications for how the issues that are connected to it are represented. It is also clear that it has a type of second order implication through the way that it works as an invocation of societal unity. This implication is important because it establishes a Europe wide unified demos which is positioned as the target of threats. The reinforcement of this representation carries general implications for the issues of immigration and asylum as it is brought into play in the representation of these issues as threats. Thus, the representation of the citizens of the EU as a unified entity enables the representation of this entity as a possible target for different kinds of threats.

‘The threats of terrorism and other forms of crime potentially affect every single citizen in the Union. Terrorist acts do concern the European Union as a whole, and not only the particular country where they occur, as they are attacks against the values on which the Union is founded’ (COM(2005) 124 final, p.3).

The theme of terrorism as decontextualized threat is evident here. It is also possible to see how terrorism is defined in juxtaposition to the EU, as something inherently external to it, which

works both to reinforce an unambiguous identity of the concept of terrorism as well as positioning the EU, as a unified community built on certain universally shared values. This is a good example of the way that the definitional process of securitization also works constitutively with respect to conceptualizations of the political, that is the way that 'it reproduces certain understandings of what political relations and political communities are and should be' (Huysmans, 2006: 32).

### Visas and asylum after 9/11

The connection between terrorism and immigration and asylum has been made increasingly explicit after the 11<sup>th</sup> September 2001. Almost immediately, in a JHA council conclusion formulated less than ten days after the event, the council invited the commission to 'examine urgently the relationship between safeguarding internal security and complying with international protection obligations and instruments' (SN 3926/6/01 p. 9). The 2001 commission communication that followed contains discussions concerning specifications of the grounds on which protection can be denied. Referring to article 1F(c) of the Geneva Convention which states that refugee status can be denied if the applicant have been involved in acts 'contrary to the purposes and principles of the United Nations', in which terrorism is now included (COM(2001) 743 final p.7). In this communication the harmonisation of visa requirements, providing them with 'biometric identifiers' (such as fingerprints) takes on another meaning. Originally the harmonisation of visa policies and the insertion of biometric identifiers in visas was formulated as an attempt to put an end to 'visa shopping' by setting up a EU wide information system in which national authorities can enter information on visa applicants as well as consult it to acquire information on applicants. However in this communication the use of 'biometric identifiers' takes on a security dimension as these are represented as instruments that, together with 'pre-entry screenings' of asylum applicants can be used to identify suspected terrorists (p. 6). This influence of the EUs security agenda, in particular 'the fight against terrorism' on policies regarding visa policy, residence permits and passports is even more explicitly spelled out in a commission working paper of 2004 (SEC(2004)1349 p.19) and in the conclusions of the JHA council:

'The council emphasizes the importance of data collection, the use of existing data bases and exchange of information in connection with visa applications, which could be used as means to identify persons related to terrorist threats, terrorists, terrorist groups, illegal immigration and trafficking in human beings' (14817/02 Presse 375, p.28)

This also relates to the Laeken council conclusions concerning the JHA where better management of the external borders of the EU was identified as a way to fight terrorism. Thus, even if it is possible, as Levy states, to discern a certain degree of continuity in the handling of these issues as far as the securitization of them is concerned (Levy, 2005:54), what is obvious here is that the security rationale in discussions on asylum has been reinforced, or at least been given a powerful representation in the terrorist acts of 11 September 2001 and again in 20 March 2004, awarding a tangible form to the threats that are invoked. This is apparent when screening protocols of JHA council meetings: the turn of focus to terrorism and its relation to border security, judicial cooperation, asylum, the issuing of visas is apparent after 9/11.

‘Remembering the events of 11 September 2001 that created a need to intensify controls in connection with the movement of persons across the external border, both in the short term and in the long term, (14817/02 Presse 375)

In the conclusions of the Laeken summit it was also stated that that the events of September 11<sup>th</sup> 2001 ‘highlighted the importance of security at external borders’ (SEC(2004) 693 p.13). There seems also to have occurred a change in how terrorism is represented, from a representation connecting it to diverse forms of extremisms, separatist groups and so on, to acquiring an almost exclusive signification as something connected with Islamic fundamentalism, and thus something that is represented as being exterior to the EU. Indeed in a JHA council meeting summary of 2005 it is stated that, even if there are other forms of terrorism which pose a threat to the EU, the Union’s anti-terrorist efforts are focused on the acts committed by, or inspired by Al-Qa’ida (14390/05(Presse 296) p. 9). This can be contrasted with how, the Basque separatist organisation ETA was especially mentioned in connection with a JHA council discussion on terrorism in 2000 (13865/00 presse 457). Notable is also the way in which the council conclusion of October 1999 (11281/99 presse 288) which was concerned with the preparations for the Tampere meeting on terrorism is not even explicitly included in what the council thinks this meeting should result in concerning the creation of an ‘Area of Freedom, Security and Justice’. The issue of terrorism seems to have moved to the outside of Europe at the same time as it has moved further inside the policy of the EU. By supplying a powerful rationale which seems to reinforce the process of securitization of issues

like immigration and asylum it facilitates representations like the one of all non-Europeans seeking asylum or entry visa to the Union as potential terrorists.

## Trafficking and smuggling

The issues of trafficking and smuggling are included since these issues are highly involved in how 'illegal' immigration is formulated as well as providing a good example of how the logic of securitization is effective in structuring the formulation of policy in certain ways in spite of alternative formulations of these issues existing as a part of the policy. The way that the issue of trafficking is represented in EU policy is not completely uncomplicated. There seem to be an ambivalence concerning how to deal with this issue, an ambivalence that can be regarded as a result of how this issue has been positioned within the policy domain of the AFSJ, in two respects. Partly, as a result of the way that the issue of trafficking is placed in contrast to the issue of migrant smuggling, and partly as a consequence of how this issue is positioned under the heading of organized crime.

'While smuggling of migrants constitute a crime against the state and often involves the mutual interest between the smuggler and the smuggled, trafficking in human beings constitute a crime against a person and involves an exploitative purpose' (COM(2000)0854 final, p.8)

The establishment of the term trafficking as a separate term makes the handling of this issue in legal processes easier, than prosecution of the many separate criminal acts identified as constituting trafficking (IOM, 2001:29). However when placed in the larger context of the policy domain of the AFSJ, a concept like trafficking acquires new meanings as it is positioned in a specific set of conceptual relations which also have an impact on how other concepts and categories are represented in the policy. As is the case with all concepts the concept of 'trafficking in human beings' is not 'innocent' as its construction carries implications beyond its intended usage as a juridical instrument. In the policy of the AFSJ the establishment of the relationship between trafficking and smuggling is of particular importance. Trafficking in human beings is separated from, and contrasted with, the smuggling of human beings in EU policy formulations. This has implications however to how the smuggled is perceived as opposed to the trafficked. The point here is neither to deny the need for recognition of trafficking as an issue, nor to question its exploitative nature, rather to discuss how it contrasts with the definition of the smuggled. The defining aspect of trafficking

in human beings is the exploitation and deceit involved in the process of trafficking a person where as the main purpose of smuggling is to facilitate the crossing of a boarder without the consent of the authorities in the destination country. However questions arise concerning what the meaning is of this sharp distinction between the two categories. The distinction is, as mentioned above, formulated as a step in recognizing the needs and rights of trafficked women, however from the view point of the general frame of securitization one might notice that it also serves as a way to reinforce the perception of the illegal immigrant as pertaining to the world of criminality, in that the distinction awards one category with rationality and autonomy, of which the other is deprived.

The strict delimitation between these concepts thus serves to deny that there might a considerable fluidity concerning these positions. However in the explanatory memorandum of commission proposal concerning the issuing short term residence permits for victims of trafficking that cooperate with the authorities (COM(2002) 71 final) there is signs of nuance of this image. Indeed it is stated 'Facilitating illegal immigration and trafficking in human beings are two separate offences in law, but experience suggests that in practice they often overlap' (p.2). This is something that has also been stated by NGO's such as the IOM (Cf. IOM, 2000:120). However what is also stated in the 2002 proposal is that 'To put in the same text victims of action to facilitate illegal immigration and victims of trafficking in human beings reflects the fact that that these two crimes are two particularly odious forms of a more general problem: the increase in illegal immigration' (COM(2002) 71 final, p. 6). Thus, in admitting an overlap between these concepts, what seems to be the result is that, the human rights aspect of the issue of trafficking is awarded a secondary position, as the 'increase in illegal immigration' is identified as the problem that needs to be dealt with. This is also reflected in the choice of legal basis for this proposal which is found in the Treaty of Amsterdam article 63(3) which concerns immigration, 'conditions of entry and residence' and 'illegal immigration and illegal residence'. The general orientation of this proposal is formulated as a tool in the process of indictment of traffickers.

'If the victims can be persuaded to cooperate with the authorities it may be possible to extract the different pieces of information in their possession (names, addresses, organizations, etc.). The more this cooperation serves the interests of the victim, the better they will be as a source for information. It is therefore necessary to offer incentives to victims to cooperate, and the incentives must be tailored to their concerns' (COM(2002)71 final, p.3).

The way that the residence permit is conditioned by cooperation with the authorities during the legal proceedings (after the termination of which the application of ordinary immigration law ensues) seem to implicate two things, one is that trafficking in human beings is not, as was mentioned earlier, first and foremost a human rights issue but an issue of illegal immigration, and secondly, that victims of trafficking are not represented as 'deserving' in their own right, i.e. that the fact that they have been trafficked does not mean that they automatically can be considered as deserving protection. Thus, it seems as there are two ways in which trafficking and smuggling, are put in relation to one another which bears different implications on how they are conceptualized. One formulation of this relation represents victims of trafficking in contrast to those smuggled, representing the smuggled as acting in their own interest with the assistance of smugglers. The exploitative nature of trafficking is emphasized in relation to this. The other formulation of the relation between these concepts involves a loosening of the strict limits between them, and to a certain degree merging them. This formulation de-emphasizes the common interest between smuggler and smuggled representing the smuggled more in terms of a victim. However, this seems to entail a representation of the concept of trafficking which, while still acknowledging the exploitative aspects of the concepts, casts the concept within the frame of illegal immigration, which render the victim, to a certain degree accountable for being trafficked, which becomes clear as the condition for being granted a temporary residence permit is cooperation in the legal proceedings against traffickers. This can also be seen as a consequence of the positioning of this issue in the context of security considerations which are formulated in terms of crime fighting.

The security context in this case does not negate considerations of the issue in terms of, for instance, human rights, what it does however is to put such considerations in a secondary position. The positioning of victims of trafficking in the shadow of efforts to fight organized crime also imply that the social practices which are in place to a great extent award authority to define and deal with this issue to groups concerned with law enforcement and security. In JHA council conclusions concerning illegal immigration and external borders of 2002 (9620/02(Presse 175)), trafficking is firmly associated with smuggling and illegal immigration. What is clear is in these conclusions is that the issue of trafficking is represented in terms of a cross border problem, and that instruments to heighten the security at borders (in this case unions sea borders) along with penalizing traffickers and smugglers are

emphasized. These conclusions also include an initiative for union sponsored ‘awareness-raising campaigns’ in countries of origin and transit ‘aimed at creating awareness of the problems and risks connected with illegal immigration’ (p.11).

The ambivalence regarding this issue in EU policy making also becomes clear, not least in the report and opinions by the ‘experts group on trafficking in human beings’, a consultative group set up by the commission. Here, a human rights perspective of this issue is recurrently emphasized, and in an opinion on the proposal quoted above concerning the issuance of temporary residence permits to victims of trafficking who cooperate with the authorities, the proposal is criticized for the way it treats victims as mere ‘instruments of prosecution’ (Experts Group on trafficking in human beings, 2004). However, these considerations seem to be unable to counter the logic of securitization which permeates these issues, as they are unable to negate the formulation of illegal immigration as a threat as well as the way that both smuggling and trafficking are linked in this policy to the issue of organized crime.

## The volatile society

As has already been mentioned securitization involve a process of definition, process in which the defining of the target of threats plays an important part. This is important because in defining threats, what is represented as the target is also awarded certain characteristics which in turn reflect the way that threats are defined. ‘The threat of terrorism’ worked to represent the EU in terms of a unified demos as well as working as a contrast to the values which were identified as being an inherent part of this demos. In the extract below it is ‘unmanaged immigration’ that is represented as a threat and it is the European society that is represented as the target. What is invoked here is perhaps the clearest example of what was discussed in the theoretical part of this essay under the heading of societal security; representations of a state of insecurity concerning the very fabric of society.

‘The commission said that the managed arrival of persons in need of international protection would also constitute an efficient tool in **combating sentiments of racism and xenophobia**, as the public support for those positively screened outside the EU is likely to be increased. This is significantly different to the current situation where a majority of the persons applying for asylum are not found to require any form of international protection. The lack of clarity in terms of public reception of this group threatens the credibility of the institution of asylum. The example of the humanitarian evacuation from Kosovo can be used to illustrate the impact. Although protection needs were different, and the situation was different, the reception of those displaced persons by the different countries of the EU and their public contrasts sharply with the uncertain and often

hostile reception faced by many who arrive in the EU today as applicants for asylum in irregular and difficult circumstances. The reasons for this difference are clear- the public had confidence then that those who were evacuated were clearly in need of protection, whilst no such certainty exists at this moment' (COM(2004)410 final, p. 6, emphasis in original)

This particular extract is taken from a communication from the commission to the council and the European Parliament, and concerns discussions of the possibilities of handling asylum requests in the countries or regions of origin in the context of 'regional protection programmes' which would include the creation of a EU-wide resettlement scheme.

Resettlement being 'the selection and transfer of refugees from a State in which they have sought protection to a third State where they enjoy guarantees of protection' (COM(2005)388 final p.2) This is presented as a way structuring the 'flow' of asylum seekers, and as such, an effort to decrease smuggling and trafficking as well as providing possibilities for host countries to plan for the arrival of immigrants. Thus, the impact on public opinion is not presented as the only, or even the most important reason for developing such a system. However, that particular aspect of this document has been deemed important as it sheds light on recurrent themes in this discourse that includes representations of the European society and its public, representations which can be said to occupy crucial positions in the policy concerning immigration and asylum. It is a part of this discourse in which societal (in)security occupy a prominent position. An important feature of this extract is how the 'public', represented as a homogenous entity, is constructed and positioned, a representation that in providing a specific image of society make the implicated policy solutions seem natural, effectively limiting the ways in which the issue can reasonably be approached. The 'public' in this extract, the mass of all the inhabitants of EU member states, is represented as one single, unified being, something which is accomplished through attributing to it a range of feelings and identifiable characteristics. One can draw a clear parallel to the personification of nations in nationalist discourse referred to in Wodaks et al study of nationalist discourse (Wodak et al. 1999), the difference being that the public, or the public opinion is represented here as something that has to be managed carefully, something which is potentially dangerous, and on which the writer regards from the exterior, as opposed to being apart of, as in the 'we' of nationalism.

The representation of the public here can be seen as deriving its power from an exclusion working to protect the discourse from an ambiguity which would unable it from representing

the conclusions drawn as natural or logical. As was stated earlier, the exclusions from which representations of reality are constructed are always to some degree present in the representations themselves. In this case, an essential exclusion on which the representation of the public as homogenous entity depend is that of the representation of the public as heterogeneous, as something which would be hard to capture in terms of the identification of common characteristics, as something that could, only with great difficulty be referred to in terms of a unified entity. The policy as it is formulated is dependent on the characterization of the public as a 'being' since without it, the argument which here acts as its base would founder. If the text admitted the possibility that attitudes towards immigrants, 'illegitimate' or not, might vary considerably between different members of this 'public' much of the force of the statement would be lost. For example parts of the 'public' might react negatively to the entrance of 'illegitimate' asylum seekers, while others, quite conversely, might welcome these, and, in fact, disagree with the characterisation of them as 'illegitimate'. The establishment of the 'public as being' is hence important, but what about the characteristics that this 'being' is awarded? There is a binary opposition established in this extract between clarity and certainty on one side and uncertainty and lack of clarity on the other. This binary appears at several junctures in the extract, all relating to the 'public'. The first premise here is that the screening of asylum applications in regions of origin would make the public certain that those admitted were 'genuine' refugees. It is stated that in the Kosovo case there was certainty, since the refugee flows were well managed, and the public therefore became receptive. In contrast, the current situation is represented as characterized by a lack of certainty, so the public becomes hostile. Thus, the 'public' is represented as having a need, the fulfilment of which it is dependent on to remain harmonious; this is the need for certainty and clarity, without which it becomes hostile to the point where the whole system of asylum would be threatened.

The relation between policy makers and the public as it is represented here, carries a not insignificant resemblance with how adults are conventionally expected to behave in their relations with children, as the importance of clarity is emphasized along with the need for routine and certainty, to avoid creating confusion and animosity. This way of representing the 'public' as volatile, unstable and easily provoked appears elsewhere in policy documents. In a communication from the commission in 2000, it is stressed that to create a positive environment in which the integration of asylum seekers can be integrated 'political leaders and the media have a crucial role in leading the public opinion and must avoid all statements that might provoke

racist feeling.’ (COM(2000) 755 final p. 14) and in a 2003 communication this image is invoked stating that: ‘(T)he crisis in the asylum system is more and more striking in certain Member States, and there is a growing malaise in public opinion.’ (COM(2003) 152 final p.3). Again, the public is represented as something which must be handled carefully, and which, if not guided properly, will react with hostility. An important point here is the way that this public is represented as something that must be carefully lead but also, the way that this representation acts to restrict the way that policy can be formulated.

The illegitimacy of most asylum seekers’ claims for protection is formulated as a taken for granted point of departure of this argument. This can be taken to indicate the degree to which the representation of asylum seekers as ‘bogus’ or ‘illegitimate’ has attained the status of common sense in western European political discussions on immigration (Levy, 2005: 33). A causal relationship is established between what is represented to be illegitimate asylum seekers and ‘sentiments of racism and xenophobia’ and in the process a specific representation of society is being produced. Paradoxically, the proclaimed will to ‘combat’ these sentiments entails an argument, the assumptions of which, seem to run counter to this very will. As Huysmans note, the representation of immigrants as a destabilizing force in society often lies at the bottom of integration policies (Huysmans, 2000: 765). The establishment of the causal relationship between immigrants and racism and xenophobia represents racism as depending on some actual conditions in society, that is, that sentiments of racism and xenophobia flows naturally from the presence of an ‘other’ in an otherwise more or less homogenous society. These representations can be regarded as drawing on, what Gibney (2004) has identified as a partialist position regarding states relation to the claims of outsiders. A spirit of cooperation and mutuality within a society is, in this discourse, highly dependent on a commonality of language, religion, ethnicity, and historical residence (Gibney, 2004: 31). The public then, accordingly, seems naturally predisposed to xenophobia and racism, if only the ‘right’ conditions are realized. The argument is also leaning on, as was indicated above, an assumption of a strong correlation between the position expressed in the policy text and those held by the wider public regarding who can legitimately be said to deserve protection. That is, asylum seekers who are represented as ‘illegitimate’ or ‘undeserving’ by policy makers, are viewed the same way by the public. The logic of the argument can be said to go something like this: if the access to asylum is not properly managed the public will react with hostility, not towards political officials but towards asylum seekers, threatening the very institution of asylum, demanding even more regulative efforts

than those which we are now *forced* to take. Restrictive measures concerning asylum seekers and immigrants are thus legitimized with reference to the way that they are represented as beneficial for the asylum seekers themselves, by the way that they enable those in ‘real’ need of protection to attain it. There is a clear parallel here to the way that illegal immigrants, or ‘illegitimate’ asylum seekers are represented as being the ones to blame for the ‘crisis’ in the asylum system, as was discussed above, representing the EU in a position of vulnerability awarded with less autonomy those attempting to gain access to the Union.

### The will of the public

As was mentioned above there is an assumption at the base of the representation of the volatile society namely the assumption that this policy reflects the demands of the wider public. The EU is often formulated as answering ‘the expectations’ of its citizens and the results of public opinion surveys conducted by the EU, Eurobarometers, are frequently referred to as proof of the wide public support for various efforts, including those within the AFSJ (Mitsilegas et al, 2003: 50-51). However as Potter states public opinion polls also entail generating representations of reality, that is, in posing questions in certain ways reality is also represented in specific ways (Potter, 1996:210). Thus, his argument does not concern whether polling questions are biased or not, but highlights the need to be aware of that asking questions is also form of fact construction. In a JHA eurobarometer of December 2003, concerning judicial cooperation and the fight against crime at the EU level the following question was asked: ‘Do you consider that the policy on the prevention and fight against crime would be more effective if it were decided jointly at the European Union level rather than at the level of individual Member States?’ The answer to which was 71 % in favour. ‘The overall “yes” results shows that in most Member States a majority of respondents are in favour of a joint policy’ (Flash EB No 155 JHA, p. 7).

What can be identified as a general feature of the questions that are asked is that they are formulated in a very general manner, and as Potter states, ‘approving to something in principle can be treated as quite different from accepting the practicalities of achieving the outcome’ (Potter, 1996: 210). What is also a clear is that the question does not correspond very well with how the answer is interpreted, as the question does not, in fact, concern the degree of support for a proposed effort only whether or not it would be effective or not. Effectiveness, when it comes to issues of security and law enforcement, can hardly be seen as the only relevant aspect to be taken

account of. What the question does, along with the interpretation of its answer, is to represent 'effectiveness' as an unequivocally positive thing, without presenting in what ways this policy is to be made effective, something which might have resulted in a very different answer. This is not the place for any wider analysis of the surveys conducted by the Commission, only a way of exemplifying the way that ambiguous and vague 'information' about the 'public will' is represented in policy texts, quite oppositely, as unambiguous and as such becomes a part of legitimizing a policy with reference to its wide support by the greater public.

## Summary

In this final section I would like to sum up the results of the analysis and discuss its implications more explicitly. The aim of this analysis has been to show how the securitization of the issues of immigration and asylum is accomplished in EU policy texts. This was done partly by using the analytical framework of securitization as well as applying to the analysis ways of understanding texts taken from discourse analysis, in particular showing how the policy presents itself in terms of the rational answer to an unambiguous reality, through the production of clear-cut categories and concepts, presenting these as natural or neutral, as in essence non-political. In investigating the ways in which these issues were connected with more explicitly securitized issues, such as terrorism, in the larger policy domain of the AFSJ, it became clear that the process of securitization is as much a process of association as it is a definitional process, where the connections which are produced in this policy domain shape issues in a profound way. The logic of securitization enabled a perspective in which the whole universe of political and social relations which is represented in this process becomes open for analysis. A central theme of the analysis was thus how the EU represented itself through the policy of the AFSJ, as a political community, as unified demos, and indeed, even as a potential threat through the invocation of inherent societal mechanisms.

This essay took as a point of departure of its analysis that the policy discourse of asylum and immigration in the EU is structured by the formulations of these issues in terms of security. What has become clear is that there are several recurring themes which are important and which apply this logic in different ways. One theme is the representation of illegitimate asylum seekers who, through their 'abuse' of the asylum system threatens its very existence. The legislation concerning asylum and immigration is excluded by these representations and is treated like a neutral constant. This enables a placing of responsibility of the perceived

deterioration of the asylum system on the asylum seekers themselves. This theme also includes representations, awarding asylum seekers as well as illegal immigrants with a considerable amount of autonomy which becomes manifest through the application of metaphors such ‘asylum and visa –shopping’. This way of awarding autonomy and thus responsibility is an effective way of positioning the EU itself beyond the issue, denying the ways in which this legislation is built around categories and concepts which work to position groups of individuals in certain ways. This does not only carry implications to the asylum seekers themselves, as they are represented as ‘abusers’ or ‘shoppers’ The representation of the EU as only answering to challenges from the outside denying the relational aspect of policy making and legislation creates a blind spot in which the EU itself can be ridded of responsibility and, consequently, alternative formulations of these issues are excluded.

Another theme was the way that the threat of terrorism was invoked as an external threat enabling the representation of a unified European demos which was contrasted with a menacing outside. This theme, reinforced and made tangible by the representation of 9/11 and the Madrid bombing of 2004, work to represent terrorism, immigration and asylum as intimately connected as surveillance and security at the external borders is put forward as effective weapons against terrorism. This has also facilitated the reinforcement of a security rationale concerning the handling of applications for visa as well as for asylum. The concept of terrorism in the policy of the AFSJ has come to counter pose the EU, as a community imbued with certain values, with a chaotic outside from which it needs to protect itself. In addition it seems as if this issue has work to strengthen the logic of securitization in general throughout the whole policy domain. This is also dependant on the representation of the concept of terrorism in a decontextualized manner, separating it from larger political or social processes, representing it in terms of natural phenomenon which can strike anywhere at any time.

A third theme was the representation of, what was here termed ‘the volatile public’: unmanaged immigration being identified as a threat to the very fabric of European societies and the values that are represented as the cornerstones of the European project. This theme establishes a strong link between unmanaged migration and racism and xenophobia while representing a homogenous European public as an ill tempered child which must not be provoked, to avoid hostile reactions. The public from this perspective must in a sense be protected from itself. This theme represents an obvious example of an invocation of societal

security, which is highly connected to a nationalist logic, where the community is represented as more or less homogenous and which posits that disturbances of this homogeneity as something dangerous. The reinforcement of this logic through the insertion of this theme in EU policy can undeniably be said to carry implications for future policy formulations. As the issues of immigration and asylum are represented as inherently contentious issues which threaten to ignite hostile reactions, the EU is represented as inhabiting a position in which it is highly restrained by force of these societal mechanisms, which work to exclude policy formulations based on, for example, a characterization of European societies emphasizing heterogeneity. A general implication of the specific formulation of immigration and asylum in the policy of the AFSJ is the way that the representations which it produces also can be seen as reinforcing exclusionary discourses in European societies. For example Kostakopoulou has argued that what happens ‘at the door’ is highly related to what happens ‘on the floor’ (Kostakopoulou, 2001:127). From this perspective the representations around which this policy is built not only shapes how the authority to define these issues is distributed in the EU, but in turn shape the ways in which, for example, ‘first’ or ‘second generation immigrants’ are represented. The representation of ‘illegitimate asylum seekers’, illegal immigrants’ or ‘the asylum seeker/illegal immigrant as potential terrorist’ is not confined to the policy documents of the AFSJ, but enables representations of already settled immigrants in this way. The definitional process of securitization can thus be said to carry implications for the representation of these threats as, not only something that has to be fought at the borders of the Union but also as a threat that is present within its own societies. This can be highlighted by recent political debates in Sweden which have included proposals for the establishment of cooperation between high schools and the Swedish security police according to a British model, to locate signs of (Islamic) extremist views in students, as a way of preventing terrorism (Svenska Dagbladet, 2005 09 16). However, this is not a way to venture the hypothesis that the securitization of immigration policy at the EU level has the direct effect of securitizing the presence of immigrants in European societies; rather these representations can be regarded as mutually shaping and reinforcing each other. Even if the issues of immigration and asylum are sometimes represented in a less clear cut manner, awarding some weight to the human rights aspects of these issues, the logic of securitization seem to preserve its dominant position. This is perhaps most clear in the case of trafficking which in spite of often being explicitly formulated as a human rights issue in this policy, is handled to a great extent as a security issue by force of how it is linked with the issue of organized crime. Considerations of human rights are thus only allowed to be formulated within the frame of the

formulation of these issues in terms of security.

## 9. Final conclusion

As was stated above in the section of previous research, ‘counter balancing’ a policy built around the logic of securitization, with increased human rights legislation, does not in any profound way challenge the formulation of issues as security issues. Stating, as is done recurrently in EU policy texts that ‘fundamental human rights’ acts as a guiding principle in the formulation of policy on immigration and asylum does not change the fact that the policy is predominantly formulated in terms of security. To counter the representation of asylum and immigration as security issues there is a need for a more radical reformulation of them, something which might be facilitated by the ‘opening up’ of concepts and categories, drawing out the assumptions around which these representations are built. Demonstrating how the AFSJ policy actively produces and connects concepts and categories, reveals the ways in which the policy itself is constructed to ward off alternative formulations in its implicit celebration of the unambiguous, and to show how, what in policy texts is posited as being natural or neutral can be contextualized as a very specific formulation of an issue. The analysis in this essay can thus be seen as revolving around a general problematization of the representation of the formulation of EU policy on immigration and asylum in terms of security, as non-political.

The aim of this essay has not been to pin point the actors which can be identified as being responsible for the securitization of policy issues. However, the ways that the formulation of this policy implicates the positioning of subjects in certain ways is important. This includes both those subjects which are put in a position to continue to formulate this discourse as well as those that are identified as the objects of the discourse, namely asylum seekers, illegal immigrants, victims of trafficking and smuggling and so forth. The securitization of immigration and asylum does not only authorize security professionals, such as police and customs to deal with them, it also puts them in a position in which the knowledge they produce becomes difficult to question from the outside as the ‘securityness’ of these issues achieve the status of common sense. Another general implication of the formulation of these issues in terms of security is the way in which it shapes conceptions of how the policy process should be structured. Traditionally, national security work concerning issues such as terrorism has been characterized by the alleged need to conduct this work with high levels of secrecy and lack of accountability both to parliaments and to the media. With these issues becoming

increasingly communitarized, this lack of openness and accountability risks replicating itself at the level of the EU (den Boer and Monar, 2002:19). The issues of asylum and immigration, as these are positioned in a policy field structured according to a logic of securitization, then risks becoming implicated in social practices which are characterized by the way in which intelligence services work, rather than say more democratically accountable institutions. This can hardly be regarded as a beneficial development for those positioned as asylum seekers or illegal immigrants themselves. At the same time this constitutes a development which further makes difficult the contestation of these issues as security issues.

The implications of this is that the reformulation of this policy is not something which can easily be done as that would have to include, among other things, a rather radical restructuring of the whole institutionalized production of knowledge concerning these issues. It is important to keep in mind however, that discourses of securitization, like all discourses are never absolute, in two significant respects: firstly, it is not absolute with respect to the subjects whom it positions; being identified as, for example, an illegal immigrant does not erase all other identities that someone might be carrying and secondly, any discourse, however dominant, is always open to contestation by force of what it excludes. The policy of the AFSJ is far from alone in struggling for the definitions of issues like immigration and asylum, and not the only ones positioned to award authority to deal with them. The conclusions of the analysis in this essay should thus not be interpreted as a statement about the totality of this discourse but as an assertion of its domination in the policy of the EU, a domination which can be countered and perhaps even changed.

### Looking forward: further research

Securitization is not only a specific way of formulating policy but also a process through which authority to define issues is awarded to certain groups or professions. This was also discussed above in connection with the concept of policy as well as discourse. This is a point made by several writers and in particular Huysmans (1995; 2000; 2006) and Bigo (2001; 2001a). As an issue such as immigration or asylum becomes securitized, security professionals, such as the police or customs, are increasingly awarded the entitlement to deal with them (Huysmans, 2000:27). From this perspective it would be a fruitful topic for further research to investigate, in more detail how the awarding of authority to define these issues is formulated and how the exclusion of other ways of conceptualizing them are put in practice in

institutional settings, in for example the EU. Such an approach would build more explicitly on the argumentative policy analysis formulated by writers like Fischer, Forrester and Hajer. Another line for further inquiry could be the one already initiated by writers, like Campbell (1992) Huysmans (2006) and Kostakopoulou (2001), and to a certain extent attempted in this essay, where the implications of security discourse on conceptions of political community, identity and citizenship are more clearly drawn out. Thus, the first of these lines would focus on the micro processes of securitization through the institutionalization of social practice and the other would have more of a macro focus, investigating how the concepts which are an inherent part of security discourse relates to the political order of the liberal democratic state as well as the EU. These suggestions for further research are of course by no means exhaustive, nor are they exclusive. However, they both represent what could be highly appealing lines for further inquiry on these issues.

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