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Shaping Asylum: The Power of Language

Abstract

A review of *Arguing about Asylum: The Complexity of Refugee Debates in Europe* by Niklaus Steiner. New York: St. Martin's Press, 2000. 186pp.

It is June 1992. War has broken out in the Balkans. When we leave Madrid by car for the frontlines in Mostar, Bosnia-Herzegovina, Bosnians and Croats are defending themselves against Serbians. Our license plates begin with SA, the abbreviation for Salamanca, Spain, which is taken to mean Sarajevo, which is currently under siege. On the road to Mostar we are greeted as heroes having been able to escape from SArajevo, though we are two free-lance photographers from SAalamanca.

Keywords

Asylum, Refugees, Europe, Social constructivism

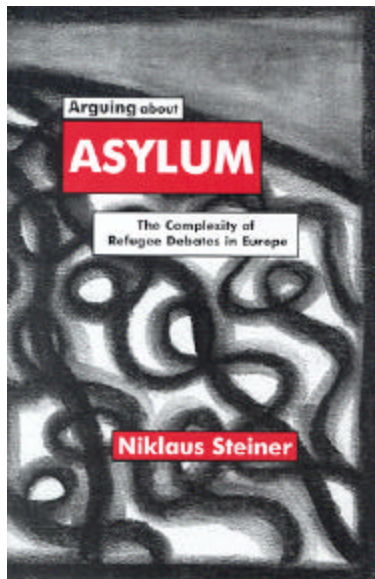
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Shaping Asylum: The Power of Language

By Teresa Tellechea

A review of Arguing about Asylum: The Complexity of Refugee Debates in Europe by Niklaus Steiner. New York: St. Martin's Press, 2000. 186pp.

It is June 1992. War has broken out in the Balkans. When we leave Madrid by car for the frontlines in Mostar, Bosnia-Herzegovina, Bosnians and Croats are defending themselves against Serbians. Our license plates begin with SA, the abbreviation for Salamanca, Spain, which is taken to mean Sarajevo, which is currently under siege. On the road to Mostar we are greeted as heroes having been able to escape from SArajevo, though we are two free-lance photographers from SAlamanca.

The beginning of summer attracts many tourists to the Blue Coast of France, and the streets of Venice, Italy, are full of people enjoying life. Mostar, also a vibrant tourist city, is destroyed, empty, and desolate. Separated by only a few hundred kilometers, the realities of daily life are worlds apart—even within Europe. Even in Ljubljana, Slovenia, life goes on as usual, the atmosphere is tranquil. This is our last stop before crossing into a living human hell. Knowing this, we pack the trunk with food and supplies.

There is no guarantee that we will make it through the military checkpoints and ultimately to our destination. Only by picking up soldiers on the road do we manage to pass. Certain routes are blocked; we try others. Once inside, we see people roaming around like ghosts. Petrovick, the Croatian soldier who accompanies us, says that people have been hiding in basements for months. Outside there is no food, and few ways to get it. In the midst of destruction, ruins, and buildings engulfed in flames, people scavenge in the grass of the cemetery to find a root to eat. This is the reality we encounter. At this point, we suggest giving away the food that we have stashed in the trunk. Petrovick explains that we could be killed if we do that. He says that the people are starving and desperate and will do anything for food. In Mostar, we leave the car to walk, run, and work our way to the frontline. I wish to myself that someone would rob us of the food and relieve us of this burden.

In the old city, a battle rages near the bridge over the Neretva River. The ground is littered with shells and Serb “Chetnik” snipers surround us. Running behind Petrovick, he instructs us to open

our mouths widely when we hear a whistling sound, so our eardrums do not to explode when mortars explode. My chest expands and shakes with each blast. Running from one building to another, watching for crossfire, I begin to wonder what we are doing here. At least there is a place to return, a place called “home,” if we make it. We will leave this hell, this nightmare, this inhumane existence where values are distorted, where basic necessities are unmet and atrocity is routine.

That night we drink with the soldiers while news of the dead trickles in. Some of the dead are relatives; others are friends. The next day we leave the frontlines and begin our journey home. On our way out, we pass through “cleansed” villages, sharing the road with uprooted families. In the end, we are able to leave. Most of them remain. Those that get out take on a new political identity: “asylum-seekers.” When the reality of war on the ground confronts the reality of politics in the parliaments of Europe, other distortions ensue. Parliamentary debates deal with the abstraction of pictures like this one.

The number of asylum-seekers from the former Yugoslavia was the highest among those migrating to Western Europe during the early 1990s. To what extent does the lived reality of asylum-seekers enter parliamentary debates? From the perspective of his groundbreaking new book, Arguing about Asylum: The Complexity of Refugee Debates in Europe, Niklaus Steiner reveals the competing *rhetorical* realities of asylum at the political level. He describes how parliamentary debates play important and unexpected roles in constructing understandings of asylum in Switzerland, Germany, and Britain from the late-1970s to the mid-1990s.

How does political rhetoric constitute the political realities of asylum? This book challenges the typical assumption among social scientists that a singular political reality with an essential character exists that can be objectively discovered. Steiner displays the power of language to connect as well as disconnect the objective world of asylum-seekers and the subjective world of political leaders. Political language, socio-historical context, and national interest are key to how Steiner understands the construction of political identity and the frameworks of motivation that state actors employ to co-create one reality of asylum instead of another. He correctly points out the importance of considering what parliamentarians deliberately overlook or ignore in the course of their debates.

Steiner seeks to raise the study of asylum to the level of high politics by linking it to issues of state sovereignty, foreign policy, and legitimacy (see also Jacobson, 1996). He does so by exposing the weaknesses of relying on the dominant paradigms of international relations, namely those of neo-realism and neo-liberalism, to understand asylum. He argues that these traditional approaches have tried to explain state behavior on the tenuous assumption that states rationally pursue objective national interests. The book quite effectively makes the case that asylum is shaped by a complex interaction of forces that include national interests, international norms, and morality. Steiner’s broader notion of national interest includes political-cultural, economic, and foreign policy interests. He also posits an important distinction between the study of international norms on one hand and Judeo-Christian and liberal moral arguments on the other for analytical purposes.

Arguing about Asylum makes an important contribution to the rhetorical turn that has been underway for the last decade in international relations. Steiner’s focus on the *language*, rather than just the *behavior*, of state actors allows him to demonstrate how “national interests can pull, counterintuitively, to loosen asylum, while morality can pull to tighten it. International norms, meanwhile, can be stressed or dismissed depending on political ideology and circumstance.” (p. 56)

This is significant because it challenges commonplace understandings of how parliamentarians make asylum policy and laws.

Steiner argues that the few scholars that focus on asylum (e.g., Collinson, 1993; Joly, 1996; Loescher, 1993) tend to agree that asylum policy results from a “tug-of-war between international norms and morality loosening asylum on the one hand and national interests tightening it on the other.” (p. 7) One of the common threads across all three cases is that this tug-of-war image commonly invoked by asylum scholars oversimplifies “a far more entangled and counterintuitive mix of motives” revealed by the debates. (p. 133) Steiner reveals various argumentative strategies used by both supporters and opponents of tighter asylum laws in his analysis of the debates. These include blurring the terms “asylum-seekers,” “refugees,” and “immigrants,” when the latter has nothing to do with asylum and the former two terms represent groups that are at distinctly different stages in the asylum process. Some highlights from Steiner’s analysis will illustrate the complexity of refugee debates.

Contrary to expectations, in Steiner’s case study on Switzerland, debates over asylum in 1979, 1986, and 1994 showed that supporters of tighter asylum laws often argued on moral grounds in that “it enabled Switzerland to continue helping refugees.” In the 1994 debates, Steiner quoted Justice Minister Koller (Christian Democrat) as arguing,

I am deeply convinced that the best way to fight the spread of xenophobia is to show the people that we have asylum under control and that we fight abuse efficiently... only if we succeed in tackling the obvious asylum abuses efficiently and in carrying out deportation consistently do we have a chance to uphold our humanitarian tradition of granting asylum. (p. 52).

Opponents of tighter asylum laws, conversely, emphasized that such laws harmed national interest, rather than underscoring an obligation toward refugees. Those in favor of looser asylum law also based their arguments on a competing notion of “national interest,” such as the economic benefits or cultural contributions refugees would bring to Switzerland. In these terms, looser asylum law added legitimacy to Switzerland’s role in European politics, as “a natural corollary to neutrality and international solidarity, pillars of Swiss foreign policy” (p. 31).

The German case, drawing on parliamentary asylum debates in 1978/1980, 1986, and 1993, illustrated national interest arguments that were quite similar to those in the Swiss debates. That is, opponents of tighter asylum laws argued that such a law harmed political interests in “democracy and the political culture of Germany because it was racist, dishonest, ineffective, and repressive.” (p. 88) It was especially noteworthy that opponents of tighter asylum laws “argued only that the law harmed the interests of Germany, not that the refugees and asylum-seekers promoted them” (p. 90). Unlike the Swiss debates, however, German parliamentarians referred to moral obligations to grant asylum stemming from the 1933-45 period.

Yet, unexpectedly, all but one parliamentarian focused on ‘Nazi’ persecution and on how ‘Germans’ suffered under it. They did not argue that Germans must repay humanity for what they did during this period, but instead argued that Germans were able to flee persecution by the Nazis and must now return the favor (p. 96).

Arguing for the adoption of tighter asylum laws during the 1993 debates, Steiner quoted Günther Müller (Christian Democrat) who said – contrary to expectation – that Germany would do a favor for the poor countries of the world by reducing brain-drain and that they would appreciate the assistance: “Whoever opposes this law hurts the poor of the world” (p. 88).

Finally, the British case is exemplified by the 1987 and 1993 debates. The language of the Conservative Party, for example, tended to “blur” the *asylum* issue with the *immigration* issue. Like the Swiss case, tighter asylum laws were also justified on moral grounds because “the bill would help fulfill the moral obligation to help refugees by weeding out abuse.” (p. 127) Moral obligations toward refugees, however, were at times in conflict with moral obligations toward citizens, and Steiner shows how difficult it can be for politicians responding to public opinion to find the “right” rather than expedient balance. This is illustrated when Steiner quotes John Ward from the 1993 debates as an example of supporters of tighter asylum that also talked about a moral duty to citizens:

Ward (Conservative), who referred to Britain as a crowded island, spoke of the duty ‘to maintain the way of life which people already living in this country want and to provide the social and welfare services for which they have paid and which they expect to receive. We should be failing in our duty if we allowed an overload of new people to destroy that way of life’ (p. 128).

Steiner also emphasizes the importance of what went unsaid in the debates, such as the fact that supporters of tighter asylum laws did not mention important international norms and the principle of *non-refoulement*.¹ Through these three cases, it is not Steiner’s intention to provide causal explanations for the different asylum policies, but to offer a better understanding of the complexity of how parliamentarians shape asylum legislation.

One of the many strengths of *Arguing about Asylum* is the use of qualitative analysis to highlight the various argumentation strategies of parliamentarians. The book utilizes interpretative narratives derived from parliamentary debates to explore the power of language to construct multiple *political* realities of asylum. Parliamentary debates leave a rich trail of communication about asylum that helps to shape political discourse, public opinion, and state action. Constructivists in particular will appreciate this book because of the challenge it poses to traditional theories of international relations by demonstrating “the difficulty of objectifying national interests.” (p. 2) Steiner makes a compelling case that the rhetoric of national interest, international norms, and morality construct asylum in unexpected ways. The parsimony Steiner loses in his use of these multiple analytic lenses is compensated by the richness of his qualitative analysis and contextual interpretation of real talk about asylum by real state actors.

In sum, Steiner guides the reader through a rhetorical maze of asylum realities. What is more, they are political realities that are difficult to translate into practical solutions, especially when it comes to a state’s moral responsibility toward refugees and the implementation of effective policies to protect them. The wide distance between the abstract principles and the practical implementation that characterizes the moral dimension of asylum plays out at many levels, some of which remain

¹ “The principle of *non-refoulement* prescribes, broadly, that no refugee should be returned to any country where he or she is likely to face persecution or torture” (Goodwill-Gill, 1996: 117).

unspoken. The conflicting national interests, morals, and international norms that make up parliamentary reality reiterate the power of language to shape asylum, all too often in ways that translate into a Kafkian legal labyrinth for asylum-seekers. During the 1993 debates in Britain, then-Shadow Home Secretary Tony Blair brought this point home: “It is a novel, bizarre and misguided principle of the legal system that if the exercise of legal rights is causing administrative inconvenience, the solution is to remove the right” (p. 123).

References

- Collinson, Sarah. 1993. Beyond Borders: West European Migration Policy towards the 21st Century. London: Royal Institute of International Affairs.
- Goodwin-Gill, Guy S. 1996. “Non-Refoulement.” In The Refugee in International Law, 2nd ed. Oxford: Clarendon Press.
- Jacobson, David. 1996. Rights across Borders. Baltimore: Johns Hopkins University Press.
- Joly, Danièle. 1996. Haven or Hell?: Asylum Policies and Refugees in Europe. New York: St. Martin’s Press.
- Loescher, Gil. 1993. Beyond Charity: International Cooperation and the Global Refugee Crisis. New York: Oxford University Press.

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