

**Race Politics: Australian Government
Responses to Asylum Seekers and Refugees
from White Australia to Tampa**

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Dedication

To my mother and late aunty,
李淑芸 and 李淑琳
And to my sister, Anne

This is for you.

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Statement of Authentication

The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or any other institution.

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(Signature)

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Abbreviations and Acronyms

AAP	Australian Associated Press
ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
AFP	Australian Federal Police
AGPS	Australian Government Publishing Service
ALP	Australian Labor Party
AMSA	Australian Maritime Safety Authority
ANM	Australian Nationalist Movement
ASEAN	Association of Southeast Asian Nations
ATV	Airport Transit Visa
AusSAR	Australian Search and Rescue
CRSR	Convention relating to the Status of Refugees
CRT	Critical Race Theory
DFAT	Department of Foreign Affairs and Trade
DIAC	Department of Immigration and Citizenship
DIBP	Department of Immigration and Border Protection
DIEA	Department of Immigration and Ethnic Affairs
DIMA	Department of Immigration and Multicultural Affairs
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
DP	Displaced Person
ECOSOC	Economic and Social Council of the United Nations
ExCom	Executive Committee
HCR	High Commissioner for Refugees
HREOC	Human Rights and Equal Opportunity Commission
HRW	Human Rights Watch
IASFM	International Association for the Study of Forced Migration
ICEM	Intergovernmental Committee for European Migration
ICR	Intergovernmental Committee on Refugees
IDP	Internally Displaced Person
IMA	Irregular Maritime Arrival

IOM	International Organization for Migration
IRO	International Refugee Organization
LAPD	Los Angeles Police Department
LN	League of Nations
MP	Member of Parliament
NAA	National Archives of Australia
NGO	Non-government Organisation
PCIRO	Preparatory Commission of the International Refugee Organization
PM	Prime Minister
PSST	People Smuggling Strike Team
RCC	Rescue Coordination Centre
RFDS	Royal Flying Doctor Service
RSL	Returned Servicemen's League
SAS	Special Air Service
SIEV	Suspected Illegal Entry Vessel
SIFR	Statens institut för rasbiologi (the State Institute for Racial Biology)
SMH	Sydney Morning Herald
SSAS	Structured Selection Assessment System
SSCCMI	Senate Select Committee on a Certain Maritime Incident
SUNC	Suspected Unauthorised Non-citizen
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency
US	United States of America
USSR	Union of Soviet Socialist Republics

Abstract

Through an examination of Australian Government responses to Irregular Maritime Arrivals from 1901 to 2001, this thesis will provide an assessment of the roles of race and racism in contemporary Australian Government policy regarding the treatment of asylum seekers who arrive in Australia by boat. In particular, it attempts to build on contemporary scholarship regarding Irregular Maritime Arrivals in Australia by focusing on the conjuncture of race, refugees and Australian immigration policy.

While it is well known that race and racism have played important roles in Australian immigration history, contemporary Australia is principally portrayed as a diverse, egalitarian and multicultural society. With the official abandonment of the policies of White Australia in 1973, successive Australian governments have endeavoured to foster, both domestically and internationally, an image of a cohesive, egalitarian and multicultural nation. The aim of the thesis is therefore to explore whether (and how) a continuous racial thread is used politically within Australian refugee immigration discourse to maintain a covert race agenda.

Centred on the principle that racism is inherently political, this thesis seeks to investigate contemporary xenophobia in order to understand the persistent support for discriminatory and exclusionist political policy. It argues that despite the rhetoric of harmonious multicultural cohesion, Australian immigration policy—specifically in regards to Irregular Maritime Arrivals—is still significantly influenced by racist ideology. While they have conceptually abandoned ideas of a White Australia, contemporary governments have strayed little from historical convictions of ‘race’ difference. In this way, the thesis suggests that successive Australian governments have successfully coalesced an overt multiculturalism with a covert racism that effectively conceals the political nature of race itself.

The fundamental argument of the thesis is therefore that in the Australian context, race is often mistakenly viewed in isolated terms or attributed to its White Australia Past. Ideas of race however, are not simply a part of Australian history and rather are structural, thereby continuing to resound in Australia’s contemporary refugee policies. The thesis therefore contends that the arrival of asylum seekers and refugees

on leaky boats provided (and continues to provide) a perfect opportunity for successive Australian governments to enact race ideology without appearing racist.

In assessing Australia's outward claim of multiculturalism alongside the continued maintenance of deeply exclusionist political policy, this thesis traces the development of Australian immigration policy—specifically in regards to the treatment of asylum seekers who arrive by boat—to show that ideas of race not only form an integral part of Australian history, but that they continue to resound and manifest in Australia's contemporary refugee and immigration policies.

Chapter 1

Introduction

*‘For those who’ve come across the seas
We’ve boundless plains to share.’¹*

‘We are an open, tolerant county. We are the least discriminatory country in the world in my view. We welcome people from the four corners of the earth.’²

Best friends Tamira Hossaini and Huria Rahimi first met in Indonesia when they were only seven years old. Thirteen years on, both are living in New Zealand and are students at the University of Auckland. Tamira is studying towards a degree in public health and Huria is studying optometry.³ Their story, told in this way, does not seem remarkable. However, Tamira and Huria are two of ‘the children Australia didn’t want’.⁴

In August 2001, Tamira and Huria, along with their families, boarded the wooden fishing vessel *KM Palapa I* bound for Christmas Island. After the *Palapa* became distressed en route, Tamira and Huria, along with 431⁵ other asylum seekers, were rescued by a Norwegian container ship, the *MV Tampa*. Later, cast as ‘illegal immigrants’ and ‘queue jumpers’ by the Howard Government, they were denied refuge in Australia.

¹ PD McCormick, ‘Advance Australia Fair’, Australian National Anthem, viewed 13 March 2010, http://www.dfat.gov.au/facts/nat_anthem.html.

² J Howard, Address at the Woolworths Support Office, Bella Vista, *PM transcripts*, viewed 28 August 2012, <http://pmtranscripts.dpmc.gov.au/preview.php?did=22139>.

³ R Lamperd, ‘The Tampa children reflect on their rescue 12 years on’, *Herald Sun*, 31 August 2013, viewed 10 October 2013, <http://www.heraldsun.com.au/news/the-tampa-children-reflect-on-their-rescue-12-years-on/story-fni0fiyv-1226708300676>.

⁴ *ibid.*

⁵ The *Palapa* was carrying 433 asylum seekers in total.

Tamira and Huria were lucky. Resettled by the New Zealand Government⁶, they went on to live what can be described as ‘typical’ migrant lives. While their parents worked, they went to school, studied and eventually grew up. Now as young adults, they express gratefulness for the opportunities afforded to them and are patriotic towards their adopted home.⁷ Their story is unfortunately atypical.

1.1 Background

Characterised by the ‘cultural diversity of its people’⁸, Australia is a country where officially ‘migrants have enriched almost every aspect of’⁹ contemporary society. In fact, since the rejection of the White Australia policy in 1973, successive Australian governments have endeavoured to foster, both domestically and internationally, an image of a cohesive, egalitarian and multicultural nation.¹⁰ However, despite efforts to distance contemporary Australia from its racially exclusionist past, unauthorised¹¹ ‘non-white’ immigration continues to pose problems for the Australian state.

⁶ In recent times, the humanitarianism of New Zealand’s refugee resettlement policies has come under question. In particular, the current government, led by John Key, has attracted criticism for implementing a system of mandatory detention aimed at potential ‘boat arrivals’. For a critique of New Zealand’s refugee policy, see: A Beaglehole, ‘Looking back and glancing sideways: refugee policy and multicultural nation building in New Zealand’, in K Neumann & G Tavan (eds), *Does history matter? Making and debating citizenship, immigration and refugee policy in Australia and New Zealand*, ebook, <http://press.anu.edu.au?p=109651>. For recent debates on the Key Government’s immigration policy, see: Agence France Presse, ‘New Zealand shuts door on Sri Lankan boatpeople’, *UNHCR Refugees Daily*, 11 July 2011, viewed 13 February 2014, <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=4e1be1735>; ‘K Davidson, ‘New Zealand, once welcoming of refugees, now follows Australia’, *Jakarta Globe*, 13 February 2014, viewed 13 February 2014, <http://www.thejakartaglobe.com/international/new-zealand-once-welcoming-of-refugees-now-follows-australia>; C Trevett, ‘Key calls for tougher boat people law’, *The New Zealand Herald*, 1 May 2012, viewed 13 February 2014, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10802629.

⁷ Lamperd, *Herald Sun*.

⁸ Department of Foreign Affairs and Trade (DFAT), ‘Shared values’, updated February 2012, viewed 23 November 2013, http://www.dfat.gov.au/facts/people_culture.html.

⁹ DFAT, ‘About Australia’, updated February 2012, viewed 23 November 2013, http://www.dfat.gov.au/facts/people_culture.html.

¹⁰ D Cottle & D Bolger, ‘Race and Australian immigration policy’, paper presented to the Australian Political Studies Association Annual Conference, Macquarie University, Sydney, 27–30 September 2009. In recent times, both prime ministers Julia Gillard and Tony Abbott have referenced multiculturalism as a part of the Australian fabric: J Gillard, ‘The values we share—Australian Multicultural Council launch’, speech, Australian Multicultural Council, 22 August 2011, viewed 23 November 2013, <http://www.amc.gov.au/speech/these-values-we-share/>; T Abbott, ‘Vote of thanks at the inaugural Australian Multicultural Council lecture, Parliament House, Canberra, 20 September 2012, viewed 23 November 2013, <https://www.liberal.org.au/latest-news/2012/09/20/tony-abbott-speech-vote-thanks-inaugural-australian-multicultural-council>.

¹¹ Here I use the term ‘unauthorised’ to differentiate between ‘non-whites’ that are accepted and those that are not. While Australia has officially embraced a skilled-migration program that attracts and

The role that race¹² and racism have played in Australian immigration history has been well documented.¹³ Colonial Australia, aware of its proximity to Asia and the Pacific Islands, harboured an immense fear of the foreign, alien ‘Other’.¹⁴ As a consequence, race-based fears of a ‘yellow peril’, ‘red menace’¹⁵ and ‘hordes’ from the north dominated early Australian thought.¹⁶ While irrational and mostly unfounded, these fears not only persisted¹⁷, but ultimately manifested into a political framework, leading to the creation and consolidation of the racially exclusionist White Australia policy and was an important ideological component of the push towards Federation.¹⁸

encourages a large number of ‘non-white’ applicants, I argue that it belies a subconscious racialism. ‘Non-white’ immigration is only accepted when those ‘non-whites’ conform, submit and perform to ‘white’ stereotypes and values. For an overview of Australia’s skilled-migration program (including statistics on source countries), see: J Phillips & H Spinks, ‘Skilled migration: temporary and permanent flows to Australia’, Parliament of Australia: Department of Parliamentary Services, 6 December 2012, viewed 23 November 2013, http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/1601351/upload_binary/1601351.pdf;fileType=application%2Fpdf.

¹² The term the ‘human race’ can be used uncontroversially. However, other usages of ‘race’, as explained in Chapter 3, are highly contested and complex. While the author acknowledges that ‘race’ is predominantly a social construct and has been referred to as a myth, this thesis only places the word ‘race’ in single quote marks when it is specifically mentioned as a term and when it is used in reference to a person or group of people belonging to a particular ‘race’. In all other instances, ‘race’ is used without single quote marks.

¹³ L Jayasuriya, D Walker & J Gothard, *Legacies of White Australia: race, culture and nation*, University of Western Australia Press, Crawley, 2003; J Jupp, *From White Australia to Woomera: the story of Australian immigration*, 2nd edn, Cambridge University Press, Cambridge, 2007; A Markus, *Australian race relations, 1788–1993*, Allen & Unwin, St Leonards, NSW, 1994; AT Yarwood & MJ Knowling, *Race relations in Australia: a history*, Methuen Australia, North Ryde, NSW, 1982.

¹⁴ This term is explained in Chapter 3.

¹⁵ ‘Yellow peril’ and ‘red menace’ were racist colour metaphors used by Western countries to describe ‘coloured’ (mainly Chinese) immigrants. The terms were indicative of the widespread fear of mass Asian immigration that was expected to lower wages, reduce standards of living and replace the Western way of life. For a history of anti-Asian stereotyping, see: JKW Tchen & D Yeats (eds), *Yellow Peril!: An archive of anti-Asian fear*, Verso, London, 2013. For an example of ‘red’ hysteria, see: L Dalton, *Red menace in Australia*, 3rd rev. edn, The Australian Catholic Truth Society, Melbourne, 1937, viewed 17 October 2013, <http://handle.slv.vic.gov.au/10381/121124>. See also JE Hayes, *Red scare or red menace?: American communism and anticommunism in the Cold War era*, Ivan R Dee, Chicago, 1996; S Macintyre, *A concise history of Australia*, 3rd edn, Cambridge University Press, Port Melbourne, 2009.

¹⁶ M MacCallum, ‘Girt by sea: Australia, the refugees and the politics of fear’, *Quarterly Essay*, no. 5, 2002, p. 14; D McMaster, *Asylum seekers: Australia’s response to refugees*, Melbourne University Press, Melbourne, 2001; J Jupp (ed.), *The Australian people: an encyclopedia of the nation, its people and their origins*, Cambridge University Press, Cambridge, 2001.

¹⁷ Such fears persisted despite the fact that since 1788, no Australian public figure had ever been assassinated, Australia had never been invaded and Australia had never experienced a revolution. See: J Jupp, ‘The quest for harmony’, in J Jupp, J Nieuwenhuysen & E Dawson (eds), *Social cohesion in Australia*, Cambridge University Press, Cambridge, 2007, p. 9

¹⁸ P Griffiths, ‘The making of White Australia: ruling class agendas, 1876–1888’, PhD thesis, Australian National University, 2006, pp. 349–402.

Following Federation, The *Immigration Restriction Act* of 1901, or ‘White Australia policy’ as it became known, was enacted as an unequivocal expression of existing racialised fears. The policy purposively aimed to prevent ‘non-white’ ‘undesirables’ from entering the Australian state and provided a legally sanctioned avenue from which ‘non-white’ immigration could be monitored and restricted. Based on a sense of racial hierarchy, it effectively excluded any persons deemed ‘unsuitable’ for assimilation into Australian society.¹⁹

Such exclusionist sentiments originated from a global race ideology that advanced and justified notions of innate ‘white-Anglo’ superiority.²⁰ In Australia, they were reflected through racist political policy that was fuelled by fears of miscegenation, cultural incompatibility and concerns that cheap foreign labour would threaten employment and wage rates of ‘white’ Australians.²¹ Foreigners and foreign cultures were therefore understood to be innately incompatible with the Australian ‘way of life’, necessitating restrictions on ‘non-white’ immigration.

This overtly discriminatory immigration policy remained at the core of Australian ideology until the Second World War, when the need for growth became the nation’s priority. Under the economic imperative to ‘populate or perish’, the postwar period saw the progressive relaxation of immigration restrictions; nevertheless, the application of immigration policy was still largely racially selective.²² Indeed, despite an official rhetoric that encouraged mass migration, a ‘race based class system’²³ persisted where multiple governments continued to assess prospective immigrants on their ‘suitability’ for, their ability to integrate into, and their possession of qualifications useful to, Australia.

In 1973, under the Whitlam Labor Government, the White Australia policy was officially replaced by multiculturalism. With a new, multicultural agenda, immigration policy was—at least in theory—no longer racially discriminatory.

¹⁹ This is explored in greater detail in Chapter 5.

²⁰ The widespread belief in the superiority of the ‘white race’ is explored in Chapter 3, whereas the application of this belief to the Australian context is explored in Chapter 5.

²¹ H McQueen, *A new Britannia*, rev. edn, University of Queensland Press, St Lucia, 2004; M Willard, *History of the White Australia policy to 1920*, repr., Frank Cass, London, 1967.

²² The gradual relaxation of Australian immigration policies is explored in Chapter 6.

²³ J Stratton, ‘Preserving white hegemony: skilled migration, ‘Asians’ and middle-class assimilation’, *Borderlands e-journal*, 2009, p.1 viewed 18 November 2015,

http://www.borderlands.net.au/vol8no3_2009_stratton_hegemony.pdf

Individuals from all over the world, irrespective of culture, ethnicity and ‘race’, could migrate to, live and settle in Australia. However, while officially (and perhaps, in part, ideologically)²⁴ Australian society was now multicultural, Australia’s immigration policies continued to confirm racialised agenda: individuals who were sufficiently ‘white’ and ‘westernised’ were largely welcomed, while those who were unable to access and participate in the ‘Western-white’ dominant discourses²⁵ were still excluded.

In the years to follow, outwardly multicultural government rhetoric belied restrictive, covertly racist immigration policies. Policies of mandatory detention and offshore processing were (and continue to be) introduced in an attempt to discourage and reduce undesirable immigrants.²⁶ Those dispossessed and displaced, such as refugees, were particularly targeted, with successive Australian governments deciding who could enter Australia, how they should enter the country, whether they would jeopardise social cohesion, and whether they were of benefit to Australian society.²⁷

Significantly for this thesis, asylum seekers and refugees were also dichotomised according to their mode of arrival, and more importantly, they still are today. Those asylum seekers and refugees who are able to access ‘acceptable’ entry methods, such as those who possess a passport or visa and who arrive by plane, are classified as non-Irregular Maritime Arrival (non-IMA) asylum seekers. However, those asylum seekers and refugees who arrive through alternative channels—that is, by boat or

²⁴ Due to the complexity of race and the increasing invisibility of racism, this thesis permits a line of argument that suggests, in some circumstances, that racism may be understood as unintentional or as the result of ignorance. While this thesis does not condone or justify unintentional racism, it contends that a ‘blame-centred approach’ is ineffective in dispelling the myth of ‘race’ difference. Instead, an understanding of *why* such ignorance exists is crucial to combating the scourge of racism.

²⁵ C Weedon, *Feminist practice and poststructuralist theory*, Blackwell Publishers, Oxford, 1987, p. 108. Here I use Weedon’s interpretation of Foucault, which defines a dominant discourse as: ‘ways of constituting knowledge, together with the social practices, forms of subjectivity and power relations which inhere in such knowledges and relations between them. Discourses are more than ways of thinking and producing meaning. They constitute the ‘nature’ of the body, unconscious and conscious mind and emotional life of the subjects they seek to govern.’

²⁶ Australian Human Rights Commission, ‘Asylum seekers, refugees and human rights: snapshot report’, viewed 17 April 2014, http://www.humanrights.gov.au/sites/default/files/document/publication/snapshot_report_2013.pdf; J Phillips & H Spinks, ‘Immigration detention in Australia’, Social Policy Section, Department of Parliamentary Services, 20 March 2013, viewed 11 January 2014, http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/1311498/upload_binary/1311498.pdf;fileType=application/pdf.

²⁷ A Parkin & L Hardcastle, ‘Immigration policy’, in C Jennett & RG Steward (eds), *Hawke and Australian public policy: consensus and restructuring*, Macmillan, Melbourne, 1990, pp. 330–55.

without a passport or visa—are declared Irregular Maritime Arrival (IMA) asylum seekers.²⁸

While a discussion of non-IMA asylum seekers falls outside the scope of this thesis, the repercussions of such a dichotomy are considerable and, in the case of the migrant making entry, the results are profound. Upon arrival in Australia, individuals classified as non-IMA asylum seekers are able to immediately submit a protection visa application and are, in the vast majority of cases, released into the community while a decision regarding their application is pending. However in contrast, those classified as IMA asylum seekers are portrayed as a threatening ‘lumpen, unskilled racial Other’²⁹ and transported to detention centres (in recent years, including the offshore processing centres in the Republic of Nauru and in the Independent State of Papua New Guinea)³⁰, where they are screened into a refugee status determination process before being able to submit an application.³¹ The discrepancy between the treatment of IMA and non-IMA asylum seekers due to their mode of arrival and their possession of ‘official documentation’³² implicitly excludes and marginalises IMA asylum seekers.

As this thesis is concerned primarily with Australian government responses to IMA asylum seekers, it argues that it is the normalisation of this dichotomy that confirms the pervasive and covert nature of structural racism in Australian immigration policy. As contemporary imaginings and understandings of race and racism involve a degree

²⁸ Department of Immigration and Citizenship (DIAC), ‘Asylum trends – Australia: 2011–12 annual publication’, Systems, Program Evidence and Knowledge Section, *Department of Immigration and Citizenship Australia*, 2012, viewed 29 December 2013, http://www.immi.gov.au/media/publications/statistics/asylum/_files/asylum-trends-aus-annual-2011-12.pdf.

²⁹ J Stratton, 2009, p.10

³⁰ Department of Immigration and Border Protection (DIBP), ‘About immigration detention’, *Australian Government Department of Immigration and Border Protection*, updated 14 April 2014, viewed 17 April 2014, <http://www.immi.gov.au/About/Pages/detention/about-immigration-detention.aspx>.

³¹ Australian Human Rights Commission, ‘Asylum seekers, refugees and human rights: snapshot report’.

³² Increasingly, Australian governments have used an absence of ‘official documentation’ or the risk of fraudulent documentation to justify policies of mandatory detention for IMA asylum seekers. There is, however, no explicit definition of exactly what type of documentation is required. See: A Jamieson, ‘Get fact: how many asylum seekers turn up without ID?’, *Crikey*, 11 July 2013, viewed 6 May 2014, <http://www.crikey.com.au/2013/07/11/get-fact-how-many-asylum-seekers-turn-up-without-id/>.

of fluidity³³, the dichotomisation of asylum seekers by mode of arrival along with a historical normalisation of racism has allowed Australian governments to construct a race ideology that is flexible, surreptitious and unyielding.

1.2 Aims and Contribution of the Thesis

In an increasingly globalised society, cultural and religious differences, along with large-scale inter-country inequity, have seen an increase in global refugee numbers.³⁴ The significant growth in refugee numbers is increasingly problematic for Western states, many of which are unwilling to reconcile humanitarian responsibilities with national interest.³⁵ As a consequence, successive Australian governments have consciously avoided humanitarian obligations by pandering to, and inflaming, racially driven fears based on a historical concern of ‘invasion’ cited above and seek to portray asylum seekers and refugees as culturally, religiously and innately³⁶ incompatible with Australian society.

³³ I have used ‘a degree of fluidity’ to highlight that despite the changing understandings of race, where who is ‘othered’ changes over time, the ‘white’ individual is never ‘othered’.

³⁴ The increase in global refugee numbers is attributed to numerous factors, including historical and political legacies, see: FL Sesay, ‘The root causes of refugee flows in a global context’, *MOTS PLURIELS*, 21 May 2002, viewed 27 December 2013, <http://www.arts.uwa.edu.au/MotsPluriels/MP2102fls.html>; economic inequalities, see: R Holton, ‘Globalization, refugee crisis and the work of international non-government organisations’, *Refuge: Canada’s Journal on Refugees*, vol. 15, no. 6, 1997, viewed 27 December 2013, pi.library.yorku.ca/ojs/index.php/refuge/article/download/.../20564; civil war, conflict and genocide, see: SK Lischer, *Dangerous sanctuaries: refugee camps, civil war, and the dilemma of humanitarian aid*, Cornell University Press, Ithaca, NY, 2005, pp. 1–18 & 44–73. See also: AH Richmond, ‘Globalization and the refugee crisis’, *Centre for Refugee Studies Working Paper Series*, 1, 2005, viewed 11 January 2014, <http://yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/2596/CRS+Working+Paper+1.pdf?sequence=1>; AR Zolberg, A Suhrke & S Aguayo, *Escape from violence: conflict and the refugee crisis in the developing world*, Oxford University Press, New York, 1989, pp. 278–80.

³⁵ SH Legomsky, ‘Refugees, asylum and the rule of law in the USA’, in S Kneebone (ed.), *Refugees, asylum seekers, and the rule of law: comparative perspectives*, Cambridge University Press, Cambridge, 2009, pp. 144–45.

³⁶ J Hill, ‘Government sincerity in NT communities requires questioning’, *Eureka Street*, vol. 17, no. 13), 2007, viewed 3 November 2013, www.eurekastreet.com.au/article.aspx?aeid=3120; C Lawrence, ‘The “Emergency Intervention” in Northern Territory Indigenous communities’, *The New Critic*, 7 May 2008, viewed 3 November 2013, <http://www.ias.uwa.edu.au/new-critic/seven/intervention>. While contemporary Australian racism rarely references distinct biological or physical differences, it suggests an understanding that posits differences in ability, lifestyle and motivation as natural and normal. For example, Indigenous Australians are frequently framed through a deficit lens, with individuals requiring ‘saving’, and communities requiring intervention and management.

Indeed despite a significant number of inquiries³⁷ condemning mandatory and prolonged detention, debates on asylum seekers and refugees in Australia have increasingly centred on issues of incompatibility, deviancy and the need for ‘border protection’.³⁸ Refugees³⁹, especially those arriving by boat, are frequently represented in polemical terms—as an ‘influx’ of ‘aliens’, ‘back-door’ entry seekers, ‘country-shoppers’, ‘queue jumpers’, ‘illegals’ and ‘invaders’ that arrive in ‘waves’, ‘tides’ and ‘floods’.⁴⁰ Such polemical language inevitably facilitates the creation of a binary opposition where refugees are understood as genuine or bogus, legal or illegal, and law-abiding or criminal.⁴¹ This dichotomous framing not only polarises, deviantises and problematises their existence in Australian society but reflects a

³⁷ There have been numerous inquiries into immigration detention since the introduction of mandatory detention in 2002. A selection of these include: Commonwealth Ombudsman, ‘Final report to the Department of Immigration and Ethnic Affairs of investigation of complaints concerning onshore refugee processing’, Commonwealth Ombudsman, Canberra, viewed 8 January 2014, http://www.ombudsman.gov.au/files/investigation_1997_03.pdf; Australian Human Rights Commission; ‘Human Rights and Equal Opportunity Commission (HREOC), ‘Those who’ve come across the seas: detention of unauthorised arrivals’, HREOC, Sydney, 1998, viewed 11 January 2014, https://www.humanrights.gov.au/sites/default/files/document/publication/h5_2_2.pdf; HREOC, ‘Immigration detention: Human Rights Commissioner’s 1998–99 Review’, HREOC, Sydney, 1999, viewed 10 January 2014, https://www.humanrights.gov.au/sites/default/files/content/pdf/human_rights/asylum_seekers/idc_review.pdf; HREOC, ‘A last resort? National inquiry into children in immigration detention’, HREOC, Sydney, 2004, viewed 11 January 2014, https://www.humanrights.gov.au/sites/default/files/document/publication/alr_complete.pdf; Joint Standing Committee on Migration, ‘Not the Hilton: immigration detention centres: inspection report’, Commonwealth of Australia, Canberra, September 2000; Senate Legal and Constitutional References Committee, *A sanctuary under review: an examination of Australia’s refugee and humanitarian determination processes*, Commonwealth of Australia, Canberra, 2000; United Nations, International Covenant on Civil and Political Rights, ‘Communication No. 2094/2011, viewed 13 March 2014, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUS/CCPR_C_108_D_2094_2011_20720_E.pdf and part 2, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUS/CCPR_C_108_D_2136_2012_20721_E.pdf.

³⁸ S Pickering, *Refugees and state crime*, Federation Press, Annandale, NSW, 2005, p. 24; L Humpage & G Marston, ‘Recognition, respect and rights: refugees living on Temporary Protection Visas (TPVs) in Australia’, in N Yuval-Davis, K Kannabiran & U Vieten (eds), *The situated politics of belonging*, Sage, London, 2006, p. 116.

³⁹ The term ‘refugees’ is typically used to refer to both asylum seekers and refugees who have had their refugee status confirmed.

⁴⁰ Pickering, *Refugees and state crime*, p. 24; D Rodan, *Identity and justice: conflicts, contradictions and contingencies*, Peter Lang, New York, 2004, p. 16; J Stern, ‘Refugees’ rights and international obligation’, in A Nash (ed.), *Human rights and the protection of refugees under international law: proceedings of a conference held in Montreal, November 29–December 2, 1987*, Institute for Research on Public Policy, South Halifax, 1988, p. 45; M O’Neill, *Blind conscience*, University of NSW Press, Sydney, 2008, pp. 21–25.

⁴¹ Pickering, *Refugees and state crime*, p. 24.

covert ‘elite racism’ where non-white immigration is cast as the cause of societal problems.⁴²

While there is some suggestion of a growing compassion and sympathy for refugees⁴³ within the wider Australian community, support for anti-refugee political policy in Australia remains strong.⁴⁴ This discord reflects the potency of contemporary fear politics, where ‘genuine’ refugees, particularly those already living in Australia, are often lauded for their dedication, resilience and successful integration into society⁴⁵, while unauthorised arrivals—especially those arriving by boat—are demonised, scapegoated and vilified.⁴⁶ It is easy to dismiss the plight of refugees when they are systematically excluded and hidden from society’s view. The reality, however, is that seeking asylum is not as straightforward as filling out a form.

This thesis suggests that while the White Australia policy and colonial attitudes towards immigration are widely acknowledged and studied, there continues to be a misunderstanding as to how the reactions of successive Australian governments to contemporary refugee movements continues to reflect a covert race agenda where the sustained and persistent negative portrayal of contemporary IMA arrivals continues to reflect Australia’s historical anxiety over non-White migration.⁴⁷ In fact, debate on refugee issues in Australia, as O’Neill contends, continues to oscillate between two

⁴² *ibid.*, p. 22; TA Van Dijk, p. 31

⁴³ S Stephen, ‘Polls register growing sympathy for asylum seekers’, *Green Left Weekly*, 21 August 2002, viewed 14 September 2013, <https://www.greenleft.org.au/node/26857>. While a number of surveys/polls have indicated an increase in compassion towards refugees, this compassion is largely subjective and is limited to those refugees that are ‘deserving’.

⁴⁴ S Stephen, *Refugees & the rich-world fortress*, Resistance Books, Broadway, 2005, p. 6.

⁴⁵ For example, businessmen such as Frank Lowy and Maha Sinnathamby are praised for their success, see: S Lacey, ‘They came, they conquered’, *The Age*, 23 April 2013, viewed 20 December 2013, <http://www.theage.com.au/executive-style/strive/they-came-they-conquered-20130419-2i4wf.html>; Howard commends Vietnamese migrant La Van Tran for winning the 2004 ‘Great Aussie meat pie’ competition in P Hudson, ‘PM praises refugee success’, *The Age*, 29 August 2004, viewed 20 December 2013, <http://www.theage.com.au/articles/2004/08/28/1093518168264.html>.

⁴⁶ McMaster, *Asylum seekers*, p. 89; M Piper, ‘Australia’s refugee policy’, *The Sydney Papers*, vol. 12, no. 2, 2000, viewed 24 November 2013, <http://search.informit.com.au/documentSummary;dn=766490998614953;res=IELHSS>; R Devetak, ‘In fear of refugees: the politics of border protection in Australia’, *The International Journal of Human Rights*, vol. 8, no. 1, 2004, p.105.

⁴⁷ Stratton, 2009, p. 2; Balint, 2005, p. 3.

extremes: as a threat to Australian nationalism and social harmony for those on the right; and as a means to attack conservative governments for those on the left.⁴⁸

While O'Neill's contention seemingly discredits the extensive scholarship conducted on unauthorised arrivals and mandatory detention, there is a significant gap in contemporary research dealing with race, refugees and Australian immigration policy. In focusing on the conjuncture of these three areas, this thesis aims to provide a new perspective on contemporary government interpretations of immigration policy.

In the Australian context, race is often viewed narrowly in isolated terms or is attributed to its White Australia past. Instead, this thesis will argue that race is not 'natural'. Race, is instead a continuous thread that runs from Australia's racially exclusionist past to its 'multicultural' present and more importantly, is structural. In understanding the principle that racism is inherently political, this thesis focuses on investigating contemporary xenophobia in order to understand the persistent support for discriminatory and exclusionist political policy. It argues that despite the rhetoric of harmonious multicultural cohesion, Australian immigration policy—specifically in regards to Irregular Maritime Arrivals—is still significantly influenced by racist ideology. While they have conceptually abandoned ideas of a White Australia, contemporary governments have strayed little from historical convictions of 'race' difference. In this way, successive Australian governments have successfully coalesced an overt multiculturalism with a covert racism that effectively conceals the political nature of race itself.

Ultimately this research will show that ideas of race not only form an integral part of Australian history, but that they also resound in the structure of the nation's contemporary refugee and immigration policies. By focusing on unauthorised refugees, this thesis will endeavour to offer a nuanced reinterpretation of an often discussed, but surprisingly misunderstood period of Australian immigration history.

⁴⁸ O'Neill, *Blind conscience*, pp. 39–41.

1.3 Structure

This thesis is divided into two sections. Part One, which comprises Chapters 2, 3, and 4, sets out the background and conceptual foundations of this research and are crucial in informing the reader and providing context. In providing a conceptual foundation, Part One includes a purposive and focused review of the literature. Part Two, which comprises Chapters 5, 6 and 7, uses the foundational knowledge of Part One to assess immigration and asylum-seeker policies in relation to successive Australian governments. A chapter synopsis is detailed below:

Chapter 2 – Literature Review: Racism and Asylum Seeking in Australia

The second chapter of this thesis provides a purposive overview of the literature and outlines the most significant developments regarding race, racism and asylum seeking in Australia. It begins by outlining the most significant aspects of race and racism before exploring the intersecting topics of globalisation, refugee movements and asylum seekers politics.

Before providing an assessment of contemporary Australian racism, it is imperative that an understanding of past and present debates is considered. The purpose of this chapter is therefore to show that the meaning of ‘race’ continues to be vague and misunderstood. While some debates argue that individual racial attacks are proof of an existent covert racism, others suggest that such isolated events are the actions of extremists and do not represent Australian society at large.

Chapter 3 – Race and Racism: a Conceptual Understanding

Chapter 3 builds on Chapter 2 by providing an overview of the theoretical understandings and development of race and racism. Tracing the concepts of race and racism from their historical foundations through to more contemporary manifestations, the chapter seeks to discern and understand the relationship race has with, and the effect it has on, contemporary racism. Additionally, in an attempt to define and understand the enduring relevance of race in Australian asylum seeker debates, it seeks to answer two key questions: What do we mean by the terms ‘race’ and ‘racism’? And, moreover, what does it mean to be ‘racist’?

Chapter 4 – Refugees: the Historical Context of an International Pariah

In Chapter 4, a thorough examination of the various treaties and conventions developed in response to mass displacement and forced migration in the aftermath of the Second World War attempts to understand the continued relevance of problems of border control and refugee flows to traditionally immigration nation states such as Australia. Specifically, the chapter aims to provide definitions of key concepts and the seemingly interchangeable terms—‘asylum seeker’, ‘refugee’ and ‘illegal’—along with a contextual understanding of the international system of refugee protection.

Chapter 5 – Creating a White Australia

Chapter 5 of this thesis will focus on the legacy and manifestations of the White Australia policy. Colonial Australia, aware of its proximity to Asia and the Pacific Islands, was racially defined by its fear of outsiders. As a consequence, issues of perceived racial difference regularly manifested in Australia society and influenced the public policy debate.⁴⁹ Through an examination of its historical foundations and racist application, this chapter aims to assess the impact of race thinking on the development of a colonial Australian identity and nationalism and seeks to discover how and why race remains such an enduring concept today.

Chapter 6 – Towards a Multicultural Australia

Following on from Chapter 5, Chapter 6 charts the move away from a White Australia towards multiculturalism. Through an examination of Australia’s desire to increase its population, the embracement of multiculturalist policies and the abolishment of White Australia through to the implementation of a system of mandatory detention, this chapter aims to highlight the increasingly covert but ever-relevant nature of racism in Australian asylum seeker policy.

Chapter 7 – Case Study: the MV Tampa

In Chapter 7 this thesis uses a case-study approach to explore the *Tampa* incident—one of the most contentious issues in Australia’s asylum seeker history. Instead of allowing the 433 passengers onto Christmas Island for processing, the Howard government chose to exploit public fears of racial incompatibility by fuelling anti

⁴⁹ Jupp, *The quest for harmony*, p. 15

non-White sentiment. By using a case-study approach, this chapter is able to focus on particular aspects of the *Tampa* case. In this way, it aims to provide an in-depth analysis of political strategy and continuous covert racism.

1.4 Scope and Limitations

In order to understand the continued racialisation of Australian immigration policy, research for this thesis started by exploring the role of race in Australian history before moving towards an understanding of its continued relevance in a more contemporary context. Therefore much of the research for this thesis is based on the analysis and amalgamation of existing secondary source material developed from several key terms. These terms are namely: ‘asylum seekers’, ‘boat people’, ‘illegal immigration’, ‘race’, ‘racism’, ‘refugees’, and ‘White Australia’.

The bulk of the secondary source material used in this research was accessed from university libraries at Sydney University, the University of New South Wales and the University of Western Sydney. Additionally, the various collections of the Australian Prime Ministers Library, National Library of Australia, State Library of New South Wales and State Library of Western Australia were utilised. In addition to a critical secondary source analysis, research for this thesis explored a vast array of primary source material. The complete Hansard collection at the Australian Prime Ministers Library along with various records at the National Archives of Australia proved to be particularly useful.

It is often said that good historical scholarship is found in the footnotes. The role of the researcher is simply to ‘report the facts accurately and sources honestly...’⁵⁰ without embellishment and without the romanticisation of history. Accordingly, the interpretation of speeches outside the context of the specific period in which they were made or the hypothesisation of undocumented events is tantamount to a

⁵⁰ K Windschuttle, ‘The fabrication of Aboriginal history’, an address to the Sydney Institute, 11 February 2003, viewed 7 March 2014, <http://www.kooriweb.org/foley/resources/pdfs/197.pdf>.

fabrication of history where ‘people can invent any atrocity and believe anything they like . . .’⁵¹ and which seeks ‘to abandon the pursuit of historical truth’.⁵²

I draw attention to this fact, as recently there has been much debate on the merits and accuracy of historical research.⁵³ While arguments on both sides of the spectrum have merit, it is my contention that there is no such thing as an *absolute* history. Instead, history, by its very nature, is interpretative, provisional and qualitative. It is not final.

This, in my opinion, does not devalue historical research. Rather, it highlights the need for continuous targeted scholarship that reinvestigates, reflects and revises. It is only through consistent evaluation and review, scaffolded and shaped by new understandings, that we can continue to build on and attempt to find the best explanation or understanding among all available alternatives.

Nonetheless, due to the expansive nature of this thesis, limitations were inevitable. An in-depth and completely comprehensive scholarship of covert racism in Australian immigration policy would require a scope far larger than that of this research project. This thesis therefore does not purport to ‘re-invent the wheel’. Instead, it is an encouragement for further exploration and multidimensional research.

⁵¹ K Windschuttle, *The fabrication of Aboriginal history, volume one: Van Diemen’s Land, 1803–1847*, Macleay Press, Sydney, 2002, p. 9.

⁵² Windschuttle, ‘The fabrication of Aboriginal history’, an address to the Sydney Institute.

⁵³ H White, *The content of the form: narrative discourse and historical representation*, John Hopkins University Press, Baltimore, MD, 1987, p. 83; EH Carr, *What is history?*, Penguin, Harmondsworth, Middlesex, 1964, p. 144; K Jenkins, *Re-thinking history*, Routledge, London, 2003, p. 14; M Lake, ‘On history and politics’, in S Macintyre (ed.), *The historian’s conscience: Australian historians on the ethics of history*, Melbourne University Press, Carlton, Vic, 2004, pp. 94–105; P Russell, ‘Almost believing: the ethics of historical imagination’, in Macintyre (ed.), *The historian’s conscience*, pp. 106–118; J Hirst, ‘Changing my mind’ in Macintyre (ed.), *The historian’s conscience*, pp. 84–93; K Neumann, ‘Among historians’, *Cultural Studies Review*, vol. 9, no. 2, 2003, viewed 17 March 2014, <http://epress.lib.uts.edu.au/journals/index.php/csrj/article/view/3571>, pp. 177–91; K Windschuttle, ‘The myths of frontier massacre in Australian history’, Parts I, II and III, *Quadrant*, vol. 44, nos 10–11, pp. 8–21, 17–24 & 6–20.

Chapter 2

Literature Review: Racism and Asylum Seeking in Australia

In order to investigate the ongoing relevance of race and racism in contemporary Australian asylum seeker debates, a review of the existing literature is crucial. This chapter provides a contextual, purposive¹ review of the existing scholarship on racism and asylum seeking in Australia. The aim of this chapter is to establish the significance of this thesis and to then identify the place where a new contribution can be made.

2.1 Background

Notwithstanding the topical nature of asylum seeking and racism², debates on the issues of race, refugees and immigration in Australia have been examined somewhat

¹ Due to the constraints inherent within a doctoral thesis and the extensive scholarship on race, refugees and asylum seeker policy, I have chosen to take a purposive, rather than an exhaustive, sample of the literature. Cooper defines a purposive sample approach as one that examines only the central or pivotal articles within a particular field of study. See: HM Cooper, *The integrative research review: a systematic approach*, Applied Social Research Methods Series, vol. 2, Sage, Beverly Hills, CA, 1984. In the case of my literature review, scholarship has been purposively selected and reviewed according to its centrality, contemporary nature and contextual relevance. See also: J Randolph, 'A guide to writing the dissertation literature review', *Practical Assessment, Research & Evaluation*, vol. 14, no. 13, 2009, viewed 13 February 2014, <http://pareonline.net/getvn.asp?v=14&n=13>.

² Debates regarding asylum seekers arriving by boat and the comfortable nature of Australia's racism have featured prominently in Australian politics, media and society. For example: DIBP, 'No way. They will not make Australia home', Department of Immigration and Border Protection, viewed 7 March 2014, <https://www.immi.gov.au/Live/Pages/refugees/no-way.aspx>; AAP, 'Gillard's "Timor Solution" for asylum seekers', *WAtoday.com.au*, 6 July 2010, viewed 7 March 2014, <http://www.watoday.com.au/national/gillards-timor-solution-for-asylum-seekers-20100706-zy9j.html>; ABC and wires, 'Asylum seeker issues priority for new government', Radio Australia transcript, updated 8 September 2013, viewed 7 March 2014, <http://www.radioaustralia.net.au/international/2013-09-08/asylum-seeker-issues-priority-for-new-government/1187639>; S Whyte, 'It costs \$20 million to say: "Don't call Australia home"', *The Sydney Morning Herald*, 1 May 2014, viewed 1 May 2014, <http://www.smh.com.au/federal-politics/political-news/it-costs-20-million-to-say-dont-call-australia-home-20140502-zr2ii.html>; C Marriner, 'Racism on the rise in Australia: migrants report cultural shift', *Illawarra Mercury*, 6 April 2014, viewed 1 May 2014, <http://www.illawarramercury.com.au/story/2200440/racism-on-the-rise-in-australia-migrants-report-cultural-shift/>; D Flitton, 'We're a weird mob of unfriendly racists: Monash

unevenly.³ While specific events, such as the *Tampa* incident⁴, have at times prompted an upsurge in the study of specific issues, the intersecting area of racism, refugees and immigration policy-making in Australia has by no means been investigated comprehensively. Until recently⁵, the racial dynamics of the White Australia policy and colonial attitudes towards Indigenous Australians, South Sea Islanders and ‘coloured’ minorities in the pre-Federation years have been relatively

University report’, *The Sydney Morning Herald*, 24 March 2014, viewed 1 May 2014, <http://www.smh.com.au/national/were-a-weird-mob-of-unfriendly-racists-monash-university-report-20140323-35buu.html>; C Munro, ‘No welcome stranger in racist Australia’, *Eureka Street*, vol. 19, no. 10, 3 June 2009, viewed 7 March 2014, <http://www.eurekastreet.com.au/article.aspx?aeid=14168#.U2UKySg0x0Q>; L Schlesinger, ‘What’s behind our national obsession around boat arrivals?’, *Crikey*, 16 August 2012, viewed 7 March 2014, http://www.crikey.com.au/2012/08/16/whats-behind-our-national-obsession-around-boat-arrivals/?wpmw_switcher=mobile; M MacCallum, ‘Rudd and the boat people: [On Australia’s fear of refugees]’, *Overland*, no. 198, autumn 2010; A Millbank, ‘Kind or cruel? Labor’s boat people policies’, *People and Place*, vol. 17, no. 4, 2009; D Mellor, ‘The experiences of Vietnamese in Australia: the racist tradition continues’, *Journal of Ethnic and Migration Studies*, vol. 30, no. 4, July 2004, pp. 631–58.

³ For example, scholarship on early Australian racism is focused largely on the policies of White Australia. See generally: Griffiths, ‘The making of White Australia: ruling class agendas, 1876–1888’; M Willard, *The History of the White Australia policy to 1920*, Melbourne University Press, Carlton, 1976 (first pub. 1923). Alternatively, scholarship on contemporary Australian race debates focus on a ‘legacy’ of racism, see generally: Jayasuriya, Walker & Gothard, *Legacies of White Australia*; Jupp, *From White Australia to Woomera*; Markus, *Australian race relations, 1788–1993*. Similarly, while government responses to refugees are often discussed, they are rarely linked to a contemporary covert racism, see: Crock, Saul & Dastyari, *Future seekers II: refugees and irregular migration in Australia*; A Markus, J Jupp & P McDonald, *Australia’s immigration revolution*, Allen & Unwin, Crows Nest, NSW, 2009; P Mares, *Borderline: Australia’s treatment of refugees and asylum seekers in the wake of the Tampa*, University of NSW Press, Sydney, 2002 (first pub. 2001); D McMaster, *Asylum seekers: Australia’s response to refugees*, Melbourne University Press, Melbourne, 2001; K Neumann, *Refuge Australia: Australia’s humanitarian record*, UNSW Press, Sydney, 2004.

⁴ The specific events of the *Tampa*, children overboard and SIEV X garnered both significant public criticism and critical scholarship. See, for example: D Marr & M Wilkinson, *Dark Victory*, Allen and Unwin, Crows Nest, NSW, 2003; P Weller, *Don’t tell the Prime Minister*, Scribe Publications, Melbourne, 2002; T Kevin, *A certain maritime incident: the sinking of the SIEV X*, Scribe Publications, North Carlton, Vic, 2004; S Stephen, *Refugees and the rich-world fortress*, Resistance Books, Broadway, NSW, 2005.

⁵ As Australia moved towards a policy of multiculturalism, a plethora of new scholarship investigating the nature of Australia’s racist foundations began to emerge. For example: H McQueen, *A new Britannia: an argument concerning the social origins of Australian radicalism and nationalism*, Penguin, Ringwood, Vic, 1970; A Curthoys & A Markus (eds), *Who are our enemies? Racism and the Australian working class*, Hale and Iremonger with Australian Society for the Study of Labour History, Neutral Bay, NSW, 1978; K Rivett (ed.), *Immigration: control or colour bar? The background to ‘White Australia’ and a proposal for change*, Immigration Reform Group, Melbourne, 1962; Jayasuriya, Walker & Gothard (eds), *Legacies of White Australia*; A Markus, *Australian race relations, 1788–1992*, Allen & Unwin, St Leonards, NSW, 1994; AT Yarwood, *Asian migration to Australia: the background to exclusion, 1896–1923*, Melbourne University Press, Carlton, Vic, 1967 (first published 1964); A Martin, ‘The White Australia policy’, in J Jupp (ed.), *The Australian people: an encyclopedia of the nation, its people and their origins*, Cambridge University Press, Melbourne, 2001, pp. 44–49; FS Stevens (ed.), *Racism: the Australian experience: a study of race prejudice in Australia*, vol. 1, Australia and New Zealand Book Company, Sydney, 1971; R McGregor, ‘“Breed out the colour”: or the importance of being white’, *Australian Historical Studies*, vol. 33, no. 120, October 2002, pp. 286–302.

under-studied.⁶ Similarly, while there is a great deal of scholarship that focuses on refugees and immigration policy in Australia⁷, there is surprisingly a significant lack of scholarship that specifically examines the issue of race as a continuous and covert determinant of immigration and refugee policies.⁸ Consequently, there is a significant gap in the literature.

The scope of the existent literature is also somewhat restricted by two analogous tendencies. The literature that deals with specific events, people and time periods, such as the *Tampa* incident, understandably and as expected, tends to ignore links to expansive, conceptual hypotheses. Conversely, the literature that focuses on broader questions and understandings of race and the persistence of racism tends to overlook the extent to which such concepts can impact individuals, communities and societies. While this should be anticipated, and can often be unavoidable, it unintentionally obscures the depth of understanding in regards to certain issues.

By focusing on the gap created by these tendencies, this thesis offers a greater understanding of the link between racism and Australian immigration policy than has thus far been achieved. This thesis acknowledges the significant scholarship⁹ that has

⁶ Willard, *The history of the White Australia policy to 1920*; Griffiths, 'The making of White Australia: ruling class agendas, 1876–1888', p. 4. Myra Willard's *The history of the White Australia policy to 1920* was arguably the only substantial history of 'non-white' immigration until the 1960s. P Griffiths similarly comments that 'for all its importance, the White Australia policy has been relatively little studied'.

⁷ For example: M Crock & L Berg, *Immigration, refugees and forced migration: law, policy and practice in Australia*, Federation Press, Annandale, NSW, 2011; K Betts, *The great divide: immigration politics in Australia*, Duffy and Snellgrove, Sydney, 1999 (first published 1988); Jupp, *From White Australia to Woomera*; Crock, Saul & Dastyari, *Future seekers II*; Markus, Jupp & McDonald, *Australia's immigration revolution*; Mares, *Borderline*; McMaster, *Asylum seekers*; Neumann, *Refuge Australia*; A Wells, J Minns & J Coghlan, *Seeking refuge: asylum seekers and politics in a globalising world*, Wollongong University Press, Wollongong, NSW, 2005.

⁸ One notable exception to this is Gwenda Tavan's *The long, slow death of White Australia*, Scribe Publications, Carlton, Vic, 2005, which provides a fascinating investigation into the incremental process of abolishing the White Australia policy.

⁹ For example: J Jupp, 'Australia's immigration policy', *Siirtolaiius-Migration*, vol. 4, 2003, pp.14-18; J Jupp, 'Terrorism, immigration and multiculturalism: the Australian experience', *International Journal*, vol. LXI, no. 3, 2006, pp. 699-710; J Jupp, 'Immigrant settlement, ethnic relations and multiculturalism in Australia', in J Higley, J Nieuwenhuysen with S Nerrup (eds.), *Nations of Immigrants: Australia and the USA Compared*, Edward Elgar Publishing, Cheltenham, UK, 2009, pp. 147-159; J Jupp, 'Immigration issues in the 2010 federal election', in M Simms and J Wanna (eds.), *Julia 2010: The caretaker election*, ANU ePress, Canberra Australia, 2012. pp. 267-277; G Hage, *White nation: fantasies of white supremacy in a multicultural society*, Pluto Press, Annandale, NSW, 1998; G Hage, *Against paranoid nationalism: searching for hope in a shrinking society*, Pluto Press, Annandale, NSW, 2006; A Markus, *Race: John Howard and the remaking of Australia*, Allen & Unwin, Crows Nest, NSW, 2001; A Markus, 'Attitudes to multiculturalism and cultural diversity', in

already been undertaken and will argue that race is a continuous thread that runs from Australia's racially exclusionist past to its 'multicultural' present. This research will show that ideas of race not only form an integral part of Australian history, but that they also resound in the nation's contemporary refugee and immigration policies.

2.2 Towards an Understanding of Race and Racism

2.2.1 The Concepts of Race and Racism

The concept of race is extremely contentious and has been used throughout history to justify marginalisation and exclusion. One of the most sobering hypotheses on the actualities of race is produced in Franz Fanon's text *The wretched of the earth*. Published in 1961, Fanon warns against a surge towards state nationalism, theorising that 'instead of being the all-embracing crystallisation of the innermost hopes of the whole people . . . [it] will be in any case only an empty shell, a crude and fragile travesty of what it might have been.'¹⁰ Fanon astutely prophesised that race and racism would inevitably create social disruption and global discontent, and, moreover, that the acceptance of race prejudice as the result of unfounded fears would eventually influence a surge in dangerous state nationalism.¹¹

Fanon's argument is particularly astute for it provides an insight into how flawed racial perspectives can have tangible implications for social unity and result in

J Jupp & M Clyne (eds.), *Multiculturalism & integration: a harmonious relationship*, ANU ePress, Canberra, Australia, 2011, pp. 89-100; A Markus, 'John Howard and the re-naturalisation of bigotry', in G Gray & C Winter (eds.), *The resurgence of racism: Howard, Hanson and the race debate*, Monas Publications in History, Melbourne Victoria, 1997, pp. 79-86; A Markus, 'Attitudes towards immigration and national identity: a reawakening of xenophobia', *People and Place*, vol. 7, no. 3, Centre for Population & Urban Research, Monash University, Melbourne Victoria, 1998, pp.39-51; S Poynting, G Noble, P Tabar & J Collins, *Bin Laden in the suburbs: criminalising the Arab Other*, Sydney Institute of Criminology and Federation Press, Sydney, 2004; L Jayasuriya & P Kee, *The Asianisation of Australia? Some facts about the myths*, Melbourne University Press, Melbourne, 2003; T Batrouney, 'Australia's immigration policies: a loss of consensus', *NIRA Review*, Winter, National Institute for Research Advancement, Tokyo, 1998, pp. 11-15; M Leach & F Mansouri (eds.), *Critical perspectives on refugee policy in Australia*, proceedings of the Refugee Rights Symposium, 5 December 2002, Institute for Citizenship and Globalisation, Deakin University, Geelong, 2003. K Dunn, J Forrest, I Burnley & A McDonald, 'Constructing racism in Australia', *Australian Journal of Social Issues*, vol. 39, no. 4, 2004, pp.409-429.

¹⁰ F Fanon, *The wretched of the earth*, Penguin Books, Harmondsworth, Middlesex, 1971, p. 119.

¹¹ *ibid.*, p. 131.

disharmony. While not written in terms of the Australian context, the concepts and ideas propounded resonate strongly with the actualities of the Australian ‘non-white’ immigration experience. As this thesis will show, Australia’s increased obsession with border protection has highlighted its desire for a move towards monoculturalism rather than multiculturalism.

A text of similar depth that expands on Fanon’s prophecy is Howard Winant’s *The world is a ghetto*.¹² Winant provides an exceedingly detailed investigation of race theory and contemporary race actuality. Using extensive research to support contemporary race debates in the wake of mass migrations from North Africa and Asia, Winant argues that race is not only a central concept, but is a concept that is still widely relevant today. Although it is not focused on the Australian context, this text is particularly relevant to understanding the covert nature and continued acceptance of race and racism in Australia.

The world is a ghetto also provides a sociological account of race, allowing for an understanding of the development of race theory from its biological and scientific beginnings. The second part of the text examines race and racism through four case studies: the United States, South Africa, Brazil and Europe. The book provides a strong focus on race and racism in the post–Second World War era and also demonstrates that while the concept of race has largely been discredited in global discourse, its effects and actualities remain in many parts of the world. Winant’s text is meticulously researched and his assessments and analysis are largely unparalleled, making this a seminal text for any research concerning race.

While the concept of race¹³ has a long history, the concept of racism is of recent origin.¹⁴ Ideologically, racism can be described as a system of beliefs and attitudes that have evolved through persuasion or coercion to become deeply rooted in the structures and systems of a particular society¹⁵ and is often assumed to stem from

¹² H Winant, *The world is a ghetto: race and democracy since World War II*, Basic Books, New York, 2001.

¹³ The development of race is detailed in Chapter 3.

¹⁴ M Banton, ‘The concept of racism’, in S Zubaida (ed.), *Race and racialism*, Tavistock Publications, London, 1970; R Miles, *Racism*, Routledge, New York, 1989.

¹⁵ M Marshment, ‘Racist ideology and popular fiction’, *Race Class*, vol. 19, 1978, pp. 331–33.

ignorance or a lack of cultural understanding.¹⁶ One of the first to employ the term racism was anthropologist Ruth F Benedict in her book *Race and racism*¹⁷ published in 1942. Benedict defined racism as ‘the dogma that one ethnic group is condemned by nature to congenital inferiority and another is destined to congenital superiority . . . It is, like a religion, a belief which can be studied only historically.’¹⁸

Contemporary meanings have not strayed far from Benedict’s definition. Pierre van den Berghe wrote in 1967 that racism is ‘any set of beliefs that organic, genetically transmitted differences (whether real or imagined) between human groups are intrinsically associated with the presence or the absence of certain socially relevant abilities or characteristics, hence that such differences are a legitimate basis of invidious distinctions between groups socially defined as races.’¹⁹ Defined more concisely, sociologist Richard Schaefer contends that racism is ‘a doctrine of racial supremacy, that one race is superior.’²⁰

In his book *Racism: a short history*²¹, historian George M Fredrickson provides a clear, enlightening and historically nuanced discussion of racism in the West. In fewer than 200 pages, he delineates the rise of contemporary race theory by tracing its development, rise, manifestation and eventual rejection in the twentieth century. According to Fredrickson, racism ‘exists when one ethnic group or historical collectivity dominates, excludes, or seeks to eliminate another on the basis of differences that it believes are hereditary and unalterable.’²² According to Fredrickson, racism is therefore ‘often used in a loose and unreflective way to

¹⁶ For example, the teenage girl ejected from the MCG for racially abusing AFL player Adam Goodes in 2013 was said to have ‘no idea that “ape” was a racist slur’, and rugby league star Sam Thaiday claimed racism was mostly unintentional. See: M Levy, ‘Goodes abuse: teen didn’t know ‘ape’ was racist, says McGuire’, *The Age*, 27 May 2013, viewed 10 January 2014, <http://www.theage.com.au/afl/afl-news/goodes-abuse-teen-didnt-know-ape-was-racist-says-mcguire-20130527-2n64f.html>; J Morton, ‘Racism is not intentional in NRL: Thaiday’, *The Sydney Morning Herald*, 14 August 2013, viewed 10 January 2014, <http://news.smh.com.au/breaking-news-sport/racism-not-intentional-in-nrl-thaiday-20130814-2rwd9.html>.

¹⁷ RF Benedict, *Race and racism*, Routledge & Kegan Paul, London, 1959. Original edn publ. 1942.

¹⁸ *ibid.*, p. 87.

¹⁹ P van den Berge, *Race and racism*, John Wiley & Sons, New York, 1967, p. 11.

²⁰ RT Schaefer, *Racial and ethnic groups*, 4th edn, Little, Brown Higher Education, London, 1990, p. 16.

²¹ GM Fredrickson, *Racism: a short history*, Princeton University Press, Princeton, NJ, 2002.

²² *ibid.*, p. 170.

describe the hostile or negative feelings of one ethnic group or “people” towards another and the actions resulting from such attitudes.’²³

An understanding of racism, however, does not negate its power and effects. As Marxist sociologist Oliver Cromwell Cox wrote:

We cannot defeat race prejudice by proving that it is wrong. The reason for this is that race prejudice is only a symptom of a materialistic social fact. If, for instance, we should discover by “scientific” method that Negroes and Chinese are “superior” to long-skulled blonds – and this is not far-fetched, since libraries have been written to prove the opposite – then, to the powers that be, so much the worse for Negroes and Chinese. Our proof accomplishes nothing. The articulate white man’s ideas about his racial superiority are rooted deeply in the social system and it can be corrected only by changing the system itself.²⁴

Cromwell suggests that racism and race prejudice is a ‘symptom’ of a much larger problem with race itself and is therefore unavoidable. This assertion is supported by the well-known ‘Blauner Hypothesis’ that noted how the conditions and difficulties faced by minorities and immigrants, under which minority groups entered larger society, remained relevant for decades or centuries after first contact.²⁵ In this way, Blauner argues that ‘race and racism are not figments of demented imaginations, but are central to economics, politics and culture’.²⁶

Racism is therefore inextricably bound to societal structures and practice in which ‘white’ people are believed to be ‘superior’. Accordingly, there is no single ‘remedy’ for racism. Advocating for an awakening of moral conscience, as Nobel Laureate Gunnar Myrdal suggested²⁷, is not enough to change ingrained racial tendencies, for racism not only exists, but is both consciously and subconsciously reproduced by

²³ Fredrickson, *Racism*, p. 1.

²⁴ OC Cox, *Caste, class and race: a study in social dynamics*, Doubleday, Garden City, NY, 1948, p. 156.

²⁵ B Blauner, *Racial oppression in America*, Harper and Row, New York, 1972, p. 55–58.

²⁶ B Blauner, *Still the big news: racial oppression in America*, Temple University Press, Philadelphia, 2001, p. 21.

²⁷ G Myrdal, *An American dilemma: the Negro problem and modern democracy*, Harper and Brothers, New York, 1944, pp. xlvi–lviii.

society and class inequalities. This view is supported by George Yancy, who details how racism ‘is embedded within one’s embodied habitual engagement with the social world and . . . is weaved within the unconscious, impacting everyday mundane transactions.’²⁸ Australian academics James Arvanitakis and Dinesh Wadiwel agree, asserting that ‘we all embody racist tendencies . . . we breathe it in and reproduce it in a multitude of ways’.²⁹

2.2.2 Race and Racism: Complexities, Confusions and Controversies

While the concepts of race and racism have been examined through various perspectives³⁰ and extensively studied³¹, the terms remain complex, confusing and highly controversial. This complexity of race is identified by social scientist Michael Banton in *Racial theories*, in which he contends that despite significant scholarship, there is no singular definition of ‘race’.³² Banton’s scholarship is important to this thesis as it argues that the complexity of race can also be linked to its usage. Race and racism in this sense might seem unremarkable to some and highly questionable to others.³³ Citing the (then upcoming) 2001 British population census as an example, Banton highlights the confusion surrounding race by noting that the census was to contain ‘a question on ethnic group that [would] include “Mixed-race” as one of the optional answers.’³⁴ Banton argued that confusion would inevitably result as not only did this implicitly suggest the existence of ‘pure races’, but it was problematic in terms of identity as: ‘Coloured people of South Africa...[were] frequently described as “mixed-race” despite the fact that they had been ‘a distinctive group, or set of groups for many generations.’³⁵

Historian Barbara J Fields presents a similar argument in the essay *Ideology and race in American history*³⁶, for she writes that the complexity of race and subsequent

²⁸ G Yancy, *Black bodies, white gazes: the continuing significance of race*, Rowman and Littlefield, Lanham, MD, 2008, p. 230.

²⁹ J Arvanitakis & D Wadiwel, ‘Racists like us...’, *Darkmatter: in the ruins of imperial culture*, vol. 2, 2008, viewed 14 April 2013, <http://www.darkmatter101.org/site/2008/02/23/racists-like-us/>.

³⁰ The concepts of race and racism have been explored through many different academic disciplines, ranging from anthropology and biology through to sociology, philosophy and political science.

³¹ A detailed analysis of the development of race and racism is provided in Chapter 3.

³² See generally: M Banton, *Racial theories*, 2nd edn, Cambridge University Press, Cambridge, 1998.

³³ *ibid.*, p. 1.

³⁴ *ibid.*

³⁵ *ibid.*

³⁶ BJ Fields, ‘Ideology and race in American history’, 1982, viewed 19 August 2013, <http://history.berkeley.edu/sites/default/files/slides/ideology.pdf>.

misunderstandings of racism are due to confusion about race itself. According to Fields, ‘Americans, including many historians tend to accord race a transhistorical, almost metaphysical, status that removes it from all possibility of analysis and understanding.’³⁷ Therefore, Fields states that it is a fallacy to assume that race can be understood purely as ‘an observable physical fact, a thing’ as it is a ‘notion that is profoundly and in its very essence ideological.’³⁸

For Fields, the common understanding that the creation of racial classifications was a natural and reflexive response to observable physical differences—such as skin colour—is flawed. In order to explain the flawed nature of such thought, she asks:

What makes Hispanics an ethnic group, while blacks, whites and Asians are racial groups? Presumably, the fact that, while they share a language . . . they do not comprise a single physical type and they originate from different countries. But, on that reasoning, black and white Americans constitute an ethnic group: they are originally from different countries, they certainly do not all look alike, but they share a language. What about Asians? They are not of a single physical type and they, too, come from different countries. Adhering to common usage, it is hard to see how they can be classed as either a single race or a single ethnic group: they do not all share either a language or a culture.³⁹

In this compelling manner, Fields suggests that variance within human populations have no inherent meanings. Assumptions about physical difference and colour instead ‘derive their importance, indeed their very definition from their context.’⁴⁰ It is this ‘ideological context’, she contends, that tells individuals what to notice, what to ignore and what to take for granted.⁴¹ Accordingly, race is therefore influenced by societal norms, public opinion and wider society.

According to Fields, the concept of race is thus not only a fallacy, but is the product of ‘bourgeois social relations and the ethos of rationality and science in which these

³⁷ *ibid.*, p. 144.

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ *ibid.*, p. 146.

⁴¹ *ibid.*

social relations were ideologically reflected.⁴² Put simply, she suggests that race is a framework that attempts to reassert the idea of the innate inferiority of certain groups along ‘scientific first principles’, which in the early 1980s was increasingly becoming the only legitimate way to classify humankind.⁴³ In this way, race effectively provides a solution for societies to outwardly champion the equality of humankind while simultaneously marginalising specific ‘out-groups’. The enslavement of individuals of African descent, Fields explains, highlights this framework, for once such people were justified as inferior, their enslavement and marginalisation required no further explanation.⁴⁴ As such, this race framework allows overt multiculturalism to exist alongside covert racism.

The controversial nature of race is exemplified by the considerable debate surrounding the term within academic and scientific circles. While it is largely accepted that contemporary scientists agree that distinct human ‘races’ do not exist, the use of race in biology, genetics and medical science is still relatively commonplace. More importantly, while studies in the former areas do not explicitly seek to create a racial hierarchy, the superiority of a specific ‘race’ is often implied by the interpretation of scientific data.

2.2.3 A Racist Commonsense

In her book *The nature of race: how scientists think and teach about human difference*, sociologist Ann Morning provides a detailed account of the conceptualisation of race within contemporary scientific fields along with an examination of her own personal experiences of race and racism.⁴⁵ In the first few pages, Morning reveals that before the birth of her first child, she noticed a continuous reference to her ‘race’ and the ‘race’ of her child. Highlighting this racial commonsense, Morning writes:

Most of the pamphlets my doctor gave me . . . made reference to groups such as “African Americans” and “Caucasians” . . . A brochure from a company called Genzyme Genetics, for example, calculated a

⁴² *ibid.*, p. 152.

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ A Morning, *The nature of race: how scientists think and teach about human difference*, University of California Press, Berkeley, 2011.

mother's risk of being a carrier of cystic fibrosis according to whether she was Northern European, Southern European, Ashkenazi Jewish, Hispanic, African American or Asian American . . . Before drawing my blood, a nurse asked me to state my race.⁴⁶

Later, she presents a detailed overview of previous scholarship that highlights the contentious nature of race within the scientific community.⁴⁷ In her research, Morning finds that the use of race along with debates about its nature are multifaceted and fairly commonplace. She cites a number of journals that have special issues dedicated to the debate of race, such as: '*Nature Genetics* (2004), *American Psychologist* (2005), *Patterns of Prejudice* (2006) . . . and *Social Studies of Science* (2008).'⁴⁸ In addition, she notes that a number of editorials, official statements (from professional associations such as the American Association of Physical Anthropologists) and panel recommendations provide 'guidelines to potential authors'⁴⁹ in how topics of race should be approached and used.⁵⁰

Morning similarly notes that while many journal contributions question the use of race within the biological and social sciences, there are numerous 'position pieces' that 'frequently target the twin issues of the biological reality and utility of the race concept.'⁵¹ In support of her contention, she lists a number of article titles, with those arguing in favour of a biological race concept including: ' "Racial Differences in the Response to Drugs – Pointers to Genetic Differences" (Wood 2001); . . . "Categorization of Humans in Biomedical Research: Genes, Race and Disease" (Risch et al. 2002); . . . and Rushton and Jenson's (2008) "James Watson's Most Inconvenient Truth: Race Realism and the Moralistic Fallacy".'⁵² In this way, Morning's argument echoes that of Michael Banton—race remains confusing, controversial and complex as it appears unremarkable and almost natural to some, while highly questionable to others.⁵³

⁴⁶ *ibid.*, p. 1.

⁴⁷ *ibid.*, pp. 38–40. This scholarship lies outside the scope of this thesis so will not be discussed here.

⁴⁸ *ibid.*, pp. 40–41.

⁴⁹ *ibid.*, p. 41.

⁵⁰ *ibid.*

⁵¹ *ibid.*

⁵² *ibid.*, p. 42.

⁵³ Banton, *Racial theories*, p. 1.

This understanding of race as unremarkable and somewhat natural by certain sections of the scientific community is similarly highlighted in Ruth Hubbard's *Race and sex and biological categories*.⁵⁴ Hubbard criticises this acceptance of race and racism noting that despite an outward rejection of racial classifications, we often read scientific statistics that infer racial difference, such as: 'black women suffer twice as many heart attacks as white women' or 'a variety of common cancers are more frequent among blacks . . . than whites.'⁵⁵ As Hubbard writes, such research implicitly suggests that 'there are inherent, biological differences between blacks and whites, as groups.'⁵⁶

2.2.4 Contemporary 'Scientific' Racism

It is important to note that the thinking criticised by Hubbard and Morning is not aberrational; rather, it is easily identifiable in contemporary academic and journalistic scholarship. Controversial psychologist J Philippe Rushton famously claimed that not only is there a definite link between race and IQ⁵⁷, but that there is an unavoidable trade-off between brain and brawn:

The reason why Whites and East Asians have wider hips than Blacks, and so make poorer runners is because they give birth to larger brained babies. During evolution, increasing cranial size meant women had to have a wider pelvis. Further, the hormones that give Blacks an edge at sports makes them restless in school and prone to crime.⁵⁸

Journalist Jon Entine agreed, arguing in his book *Taboo: why black athletes dominate sports and why we are afraid to talk about it* that genetic and physiological differences explain the 'natural' superiority of 'black' athletes.⁵⁹ In the same way, in *Revolutionary biology: the new gene-centered view of life*, Barash asserts that while

⁵⁴ R Hubbard, 'Race and sex as biological categories', in E Tobach & B Rosoff (eds), *Challenging racism and sexism*, Feminist Press, New York, 1994.

⁵⁵ *ibid.*, p. 14.

⁵⁶ *ibid.*

⁵⁷ JP Rushton, *Race, evolution and behavior: a life history perspective*, 3rd edn, Charles Darwin Research Institute, Port Huron, MI, 2000, pp. 113–46; JP Rushton & AR Jenson, 'Wanted: more race realism, less moralistic fallacy', *Psychology, Public Policy and Law*, vol. 11, no. 2, 2005, pp. 328–36.

⁵⁸ JP Rushton, *Race, evolution and behavior: a life history perspective*, 2nd special abr. edn, Charles Darwin Research Institute, Port Huron, MI, 2000, pp. 7, 113–165 & 199–235.

⁵⁹ J Entine, *Taboo: why black athletes dominate sports and why we're afraid to talk about it*, PublicAffairs, New York, 2000, pp. 69–82.

some claim that race is a social construction, ‘the reality is otherwise.’⁶⁰ In justifying this point of view, Barash argues that the reality of race is clear and inescapable:

Caucasians . . . are easily recognized as distinctly different from Chinese, and . . . either group is different from black Africans. Moreover, there can be no doubt that such differences – superficial as they are – reflect genetic difference: After all, black parents produce black offspring, pink parents produce pink offspring and so forth.⁶¹

Moreover, the genetic difference, according to Barash, is so distinguishable that ‘a Martian zoologist, viewing the human species, would have to conclude that it is made up of distinct subspecies’.⁶²

This idea of distinctive and observable physical and genetic difference is further supported by Sarich and Miele, who use a number of different frameworks in *Race: the reality of human differences* to illustrate their assertion that ‘race is real’.⁶³ Citing specific legal cases as examples, they state that the court, and implicitly the legal system, ‘accepted physical appearance as a valid means by which the average citizen can recognise races and distinguish among them.’⁶⁴

Importantly, such individuals that subscribe to this ‘race realism’⁶⁵ often deny their racism, arguing instead that rejection of race difference is a case of ‘political correctness gone mad’.⁶⁶ For example, Entine writes that he was advised by a

⁶⁰ DP Barash, *Revolutionary biology: the new, gene-centered view of life*, Transaction Publishers, New Brunswick, NJ, 2009, p. 100.

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ V Sarich & F Miele, *Race: the reality of human differences*, Westview Press, Boulder, CO, 2004, p. 13.

⁶⁴ *ibid.*, p. 18.

⁶⁵ For a belief in the reality of race difference, see: J Glasgow, *A theory of race*, Routledge, New York, 2009, p. 5; CW Mills, *Blackness visible: essays on philosophy and race*, Cornell University Press, Ithaca, NY, 1998, pp. 44–50; Rushton & Jenson, *Psychology, Public Policy and Law*, pp. 328–36.

⁶⁶ A cursory search online using the term *racism* and phrase ‘political correctness gone mad’ reveals a plethora of newspaper articles and commentary that dismiss casual racism. For examples, see: A Deceglie & N Cox, ‘Police Union angry at “political correctness gone mad” on naming offenders’ race’, *The Sunday Times*, 27 November 2010, viewed 29 December 2013, <http://www.perthnow.com.au/news/western-australia/police-angry-at-political-correctness-gone-mad/story-e6frg13u-1225961961931>; A Derry, ‘Political correctness gone mad? The UN upbraids Canada for its use of the term “visible minority”’, *Macleans*, 10 August 2011, viewed 29 December 2013, <http://www.macleans.ca/news/canada/political-correctness-gone-mad/>; C Platt, ‘Racism? Or political correctness gone mad?’, *The Sydney Morning Herald*, 8 April 2011, viewed 29 December

number of like-minded colleagues that publishing his views would elicit criticisms of racism, with one particular colleague warning: ‘You will be accused of spouting old fashion racism for even raising the issue of African American superiority in athletics.’⁶⁷ Similarly, the fascinating ethnographic research⁶⁸ conducted by sociologist Matthew Hughey in *White bound: nationalists, antiracists, and the shared meanings of race*, details how racism is entrenched and normalised, while affirmative action, civil rights and anti-racism is dismissed as ‘a doctrine of political correctness’, ‘blatantly unfair’ and a ‘double standard’.⁶⁹ Ultimately, what these texts demonstrate is the continuing contemporary relevance of race and racism. As sociologist Ashley Montagu writes in *Man’s most dangerous myth: the fallacy of race*, race is ‘an important subject about which clear thinking is generally avoided.’⁷⁰

2.3 Race and Racism: the Australian Context

In order to understand the role of race and racism in contemporary Australian society, it is crucial that we acknowledge the role race and racism have played in Australian history. Indeed, it is often assumed that as the White Australia policy was abolished in 1973, Australian political policy no longer concerns itself with race debates and instead reflects a multicultural, egalitarian and accepting Australian society.⁷¹ Thus, while there is a significant body of literature that acknowledges the entrenched nature of racism in Australia’s history, there is a notable absence of

2013, <http://www.smh.com.au/entertainment/comedy/blogs/last-laugh/racism-or-political-correctness-gone-mad-20110408-1d6dw.html>.

⁶⁷ E Smith, quoted in Entine, *Taboo*, pp. ix–x.

⁶⁸ MW Hughey, *White bound: nationalists, antiracists, and the shared meanings of race*, Stanford University Press, Stanford, CA, 2012. Hughey spent over a year attending the meetings of both a ‘white’ nationalist group and a ‘white’ anti-racist group. He presents a fascinating account of how both groups understand and make meaning of ‘whiteness’ through different and similar racist stories and worldviews.

⁶⁹ Hughey, *White bound*, p. 84.

⁷⁰ A Montagu, *Man’s most dangerous myth: the fallacy of race*, Harper, New York, 1942, p. xv.

⁷¹ Political Scientist Elaine Thompson, for example, highlights Australia’s strong egalitarian impulses, writing: ‘Australia has had strong egalitarian impulses throughout most of the last 200 years, which have made it distinctive. Indeed, the nature of Australian democracy and Australians’ attitudes to the role of the state cannot be explained without reference to egalitarianism’. See: E Thompson, *Fair enough: egalitarianism in Australia*, University of NSW Press, Kensington, 1994, p. 250. Similarly, Bob Hodge and John O’Carroll note that ‘in spite of all the bad press, the vast majority of Australians know they live in a multicultural society, and they are delighted with the fact.’ See: B Hodge & J O’Carroll, *Borderwork in multicultural Australia*, Allen & Unwin, Crows Nest, NSW, 2006, p. 3. See also: R Miranti, B Nepal & J McNamara, ‘Calling Australia home: the characteristics and contributions of Australia’s migrants’, AMP.NATSEM *Income and Wealth Report*, no. 27, 2010, viewed 2 January 2011, http://www.natsem.canberra.edu.au/storage/AMP_NATSEM_27.pdf. This report notes that Australia is the second most multicultural country in the world.

empirical and qualitative research linking issues of race with immigration policy. This gap in the scholarship, according to Emeritus Professor Laksiri Jayasuriya, exemplifies the ‘paucity of thinking’ that characterises racism research in Australia.⁷²

A notable exception to the gap in the literature, and consequently a seminal text for this thesis, is *The long, slow death of White Australia* by Australian academic Gwenda Tavan.⁷³ With a balanced, meticulously researched and well-written account, Tavan aims to bridge the gap in the existing scholarship by assessing the legacy of the White Australia policy and its slow process of dismantlement.⁷⁴ Tavan’s text provides a nuanced chronology of the abandonment of the White Australia policy and primarily focuses on the postwar period. Tavan’s account charts the changing nature of Australian citizenship and the gradual demise of the White Australia policy by examining a number of significant issues—including the popular support for the Japanese brides of Australian servicemen, growing interest in Australia and growing public acceptance of non-European immigration.⁷⁵ Her central argument contends that policy changes to the White Australia policy, including its eventual abolishment, reflected a gradual change in the attitudes and understandings of postwar non-European immigration. The demise of White Australia, according to Tavan, therefore should be understood as a gradual political process of reform rather than the triumph of an ‘elite conspiracy’.⁷⁶

For Tavan, the demise of White Australia was due, to a large extent, to a rapidly changing international environment. Thus, the processes involved in the dismantling of archaic, racially discriminatory policy reflected a balancing act between a resistant public, politicians and a critical global society. In this way, Tavan insists that blame for the ‘long, slow death’ of White Australia should not be placed on politicians, stating that: ‘The process [of dismantling the policy was] implemented by public officials in a gradual, sometimes secretive, often ad hoc manner [and reflected] the

⁷² L. Jayasuriya, ‘Concluding comments: racial vilification panel’, paper presented to ‘Beyond tolerance: a national conference on racism’, Sydney, 12–13 March 2002.

⁷³ Tavan, *The long, slow death of White Australia*.

⁷⁴ G. Tavan, ‘Dismantling the great white wall: the abolition of the White Australia policy’, PhD thesis, La Trobe University, 2001. Tavan’s PhD thesis provides much of the research from which this book is based.

⁷⁵ Tavan, *The long, slow death of White Australia*, chap. 3, ‘The deportation controversies’, pp. 51–70; chap. 4, ‘Good neighbours’, pp. 71–88; & chap. 5, ‘Inching towards change, 1953–1958’, pp. 89–108’.

⁷⁶ *ibid.*, pp. 4–5 & 235–36.

politically sensitive nature of the White Australia issue . . . Government officials assumed that radical shifts in policy would precipitate a strong domestic backlash.’⁷⁷ Tavan’s account therefore provides a fresh perspective on Australian immigration administration and policy changes. What it partially lacks, however, is a broader, detailed assessment of societal sentiment. More importantly, it neglects to fully examine the links between public attitudes, a covert government agenda and political rhetoric.

2.3.1 The White Australia Policy

In order to understand the persistence of Australian racism, one must first appreciate and understand the historical foundations of Australian immigration restriction and exclusion. While there are a number of texts that explore this period of Australian immigration history, the vast majority are focused on hostilities and racism directed at specific groups, such as the Chinese⁷⁸, Germans⁷⁹ and Italians.⁸⁰ As a comprehensive analysis, Myra Willard’s *History of the White Australia policy to 1920*⁸¹, first published in 1923, provides one of the foremost examinations of the motivations for a White Australia. According to Willard, the adoption and implementation of a White Australia were based on two main concerns: firstly, as a

⁷⁷ *ibid.*, p. 235.

⁷⁸ CY Choi, *Chinese migration and settlement in Australia*, Sydney University Press, Sydney, 1975; A Huck, *The Chinese in Australia*, Longmans, Melbourne, 1967; A Huck, *The assimilation of the Chinese in Australia*, Australian National University Press, Canberra, 1974; K Rivett (ed.), *Australia and the non-white migrant*, Melbourne University Press, Carlton, Vic, 1975; Yarwood, *Asian Migration to Australia*; CF Yong, *The new gold mountain: the Chinese in Australia, 1901-1921*, Raphael Arts, Richmond, South Australia, 1977; J Cushman, ‘A “Colonial Casualty”: the Chinese community in Australian historiography’, *Asian Studies Association of Australia Review*, vol. 7, no. 3, 1984, pp. 100–13.

⁷⁹ CA Price, *German settlers in South Australia*, Melbourne University Press, Melbourne, 1945; WD Borrie, *Italians and Germans in Australia: a study of assimilation*, Cheshire, Melbourne, 1954; M Mennicken, *The Germans in Western Australia: innovators, immigrants, internees*, Department of Language Studies, Edith Cowan University, Mt Lawley, WA, 1993; C Meyer, *A history of Germans in Australia, 1839–1945: a useful and valuable description of people*, Monash University, Caulfield East, Vic, 1990.

⁸⁰ Borrie, *Italians and Germans in Australia*; J MacDonald & L MacDonald, ‘Italian migration to Australia: manifest functions of bureaucracy versus latent functions of informal networks’, *Journal of Social History*, vol. 3, no. 3, spring 1969, viewed 25 April 2011, <http://www.jstor.org/stable/3786595>; CA Price, *Southern Europeans in Australia*, Oxford University Press with Australian National University, Melbourne, 1963; G Cresciani, *The Italians in Australia*, Cambridge University Press, Melbourne, 2003; M Cigler, *The Italians in Australia*, AE Press, Melbourne, 1984.

⁸¹ Willard, *History of the White Australia policy to 1920*.

reaction to Asiatic immigration and competition caused by non-European labour; and secondly, and most fundamentally, to preserve ‘a British-Australian nationality’.⁸²

In addition to Willard’s scholarship, Anthony Palfreeman’s *The administration of the White Australia policy*⁸³, published in 1967, provides a considered and thoughtful analysis into the various administrative issues involved in maintaining a White Australia. Drawing from a wide range of parliamentary debates and other published sources, it provides a thorough investigation into the broad framework used in the administration of restrictive immigration policy during the White Australia from 1901 to 1966.⁸⁴

Highlighting the deep-seated desires of a homogenous Australia⁸⁵, Palfreeman’s text scrutinises the ways in which gradual administrative, legal and procedural changes in immigration policy were adopted and implemented to facilitate the exclusion of non-Europeans.⁸⁶ For example, he uses the implementation of the dictation test to explain how the granting and cancellation of ‘certificates of exemption’ were part of a ‘system of control [that] was used with great effectiveness for nearly sixty years.’⁸⁷ Thus, according to Palfreeman, the deliberate restriction of non-European immigration must be understood as central to the ideological underpinnings and maintenance of a White Australia.

Supplementing the literature by Willard and Palfreeman are a number of texts that focus on White Australia and early Australian immigration policy. In *Fear and hatred: purifying Australia and California, 1850–1901*⁸⁸, prominent academic and author Andrew Markus provides a broad contextual analysis of the racist attitudes and anti-Asian sentiment in both California and colonial Australia. While not strictly

⁸² *ibid.*, pp.188–189.

⁸³ AC Palfreeman, *The administration of the White Australia policy*, Melbourne University Press, Melbourne, 1967. See also Palfreeman’s MA thesis from which much of the research in this book is derived: AC Palfreeman, ‘Australia’s policy on non-European immigration’, MA thesis, Australian National University, 1961.

⁸⁴ Palfreeman, *The administration of the White Australia policy*, pp. 4–5 & 82–85.

⁸⁵ *ibid.*, p. 82. For example, Palfreeman argues that the dictation test was explicitly designed as an exclusionary measure, noting that the successful completion of the dictation test was ‘a phenomenon certainly not envisaged by the parliament.’

⁸⁶ *ibid.*, pp. 6–7, 26–27 & 104–06.

⁸⁷ *ibid.*, p. 87; AC Palfreeman, ‘Non-white immigration to Australia’, *Pacific Affairs*, vol. 47, no. 3, Fall, 1974, pp. 345–46.

⁸⁸ A Markus, *Fear and hatred: purifying Australia and California, 1850–1901*, Sydney, Hale & Iremonger, 1979.

within the scope of this thesis, Markus's scholarship is useful for the identification of similarities between the Californian and Australian contexts⁸⁹ and provides a broader understanding of the development and maintenance of early race prejudice.

In *Legacies of White Australia: Race, Culture and Nation*⁹⁰, editors Jayasuriya, Walker and Gothard bring together a distinguished group of scholars to examine the history, politics and contemporary manifestations of the White Australia Policy. Focusing on the revival of exclusionary nationalism in the aftermath of the *Tampa* episode and 2001 election, the eleven contributions centre around two main themes.

The first, advanced by scholars such as Ien Ang⁹¹, supports the premise taken by this thesis. It takes the view that contemporary events—such as the support for Pauline Hanson and the reaction against multiculturalism—confirms the view that the racist ideology of White Australia is not dead, and rather, continues to manifest in Australian society.⁹² The second, advanced by scholars such as Ann Curthoys, Sean Brawley and Gavin Jones⁹³ takes a different approach by invoking an imagery of 'two Australias', where openly exclusionary policy is seen to coexist with an official policy of multiculturalism.

While a number of academics such as Professor Geoffrey Blainey have suggested that colonial Australia was in fact multicultural⁹⁴, Nahid Kabir, in her article 'Muslims in Australia: immigration, race relations and cultural history'⁹⁵, provides further evidence of a covert racism that stems from the beginnings of White

⁸⁹ Markus, *Fear and hatred*, pp.124–28.

⁹⁰ L Jayasuriya, D Walker & J Gothard (eds), *Legacies of white Australia: race, culture and nation*, University of Western Australia Press, Crawley, WA, 2003.

⁹¹ I Ang, 'From white Australia to fortress Australia: the anxious nation in the new century', in L Jayasuriya, D Walker & J Gothard (eds), *Legacies of white Australia*, 2003, pp. 51-3

⁹² Ang, *From white Australia to fortress Australia*. See also, M Jordan, 'Rewriting Australia's racist past: how historians (mis)interpret the 'White Australia' policy', *History Compass*, vol. 3, no. 1, 2005, p. 2

⁹³ A Curthoys, 'Liberalism and exclusionism: a prehistory of the White Australia Policy', in L Jayasuriya, D Walker & J Gothard (eds), *Legacies of white Australia*, 2003, pp. 8-32; S Brawley, 'Legacies, the white Australia policy and foreign relations since 1973' in L. Jayasuriya, D Walker & J Gothard (eds), *Legacies of white Australia*, 2003, pp. 92-109; G Jones, 'White Australia, national identity and population change', in L. Jayasuriya, D Walker & J Gothard (eds), *Legacies of white Australia*, 2003, pp. 110-28.

⁹⁴ G Blainey, *All for Australia*, Methuen, North Ryde, 1984, p. 22.

⁹⁵ N Kabir, 'Muslims in Australia: immigration, race relations and cultural history', *Sydney Papers*, vol. 17, no. 2, 2005, pp. 62-72.

Australia. Muslims from European backgrounds, she writes, such as the Ottoman Turks, were granted naturalisation, while others ‘were denied naturalisation...not because of their religion but because of their colour’.⁹⁶

Notwithstanding the general acceptance of Australia’s racist history, in recent years there has been an increase in scholarship that refutes the extent and intrinsic nature of historical Australian racism.⁹⁷ Of these texts, conservative historian Keith Windschuttle’s *The White Australia policy*⁹⁸ is arguably the chief revisionist account of White Australia. Windschuttle refutes the ‘leftist charge’ that the immigration policies of White Australia were racist. Instead, he contends that the vast majority of Australians never subscribed to biological theories of race difference, and more importantly, never regarded ‘non-white’ races as inherently inferior.⁹⁹

Opposition to Asian immigration in colonial Australia, according to Windschuttle, was neither the result of intrinsic and widespread race thinking nor the fear of ‘racial contamination’. Instead, he argues, it should be understood as the reflection of government concerns aimed at protecting the living standards of Australian workers and to prevent the development of an ‘underclass’ that would destabilise Australian society. Windschuttle contends that the White Australia policy developed from a progressive program that aimed ‘to extend both the freedom and the dignity of labour.’¹⁰⁰

Windschuttle contends that his assertions are substantiated by the ease in which the White Australia policy was dismantled. For Windschuttle, the fact that abandoning

⁹⁶ *ibid.*, p. 65

⁹⁷ Historian John Hirst, for example, has stated that while ‘White Australia’ is a racist slogan and colonial Australia exhibited racist tendencies, the Australian population was also egalitarian and accepting of migrants. See: J Hirst in an interview with G Doogue, ‘Looking for Australia’, *Saturday Extra*, ABC Radio National transcript, 5 November 2011, viewed 11 January 2014, <http://www.abc.net.au/radionational/programs/saturdayextra/looking-for-australia/3637024>. See also: J Hirst, ‘National pride and multiculturalism’, *People and Place*, vol. 3, no. 3, 1994; G Blainey, *All for Australia*, Methuen, North Ryde, 1984; B Birrell, *Federation: the secret story*, Duffy and Snellgrove, Sydney, 2001; A Fraser, ‘Rethinking the White Australia policy’ *Online Opinion*, 2005, viewed 9 July 2009, www.onlinopinion.com.au/print.asp?article=128. Deakin University Vice Chancellor Sally Walker ordered Fraser’s article to be removed from the Deakin Law Review after being advised that it was in breach of the *Racial Discrimination Act 1975*. See: D Rood, ‘Academic attacks race article ban’, *The Age*, 21 September 2005, viewed 11 January 2014, <http://www.theage.com.au/news/national/academic-attacks-race-article-ban/2005/09/20/1126982061849.html>.

⁹⁸ K Windschuttle, *The White Australia policy*, Macleay Press, Paddington, NSW, 2004.

⁹⁹ *ibid.*, pp. 67–74 & 326.

¹⁰⁰ *ibid.*, pp. 5–6.

the White Australia policy ‘required no major cultural upheaval and was accomplished with a minimal of fuss by liberal politicians with values similar to those held by the original sceptics and critics when immigration restrictions were introduced in 1901’¹⁰¹, provides ‘the proof that Australia wore the policy lightly’.¹⁰² In this sense, Windschuttle shares a commonality with Tavan. While they have contradictory understandings of Australia’s racist heritage, both Tavan and Windschuttle highlight the ease in which the White Australia Policy was abolished.

2.3.2 Multicultural Australia

In *The teeth are smiling: the persistence of racism in multicultural Australia*¹⁰³, sociologists Ellie Vasta and Stephen Castles have compiled a useful collection of scholarship that explores the various aspects and perspectives of racism in Australia. The eight authors move beyond a historical analysis of White Australia and examine and consider the contemporary context of race in Australia in a seminal text for research in Australian race issues. Using compelling evidence, the authors aim to show that despite the Australian Government’s proclaimed adherence to multiculturalism, race and racism remain pervasive in contemporary Australian society. Issues around the broad areas of race, immigration and multiculturalism within Australian society are discussed, and the authors contend that official anti-racism in Australia is largely superficial, masking the continuing reality of racism in Australian society.

The ideas here provide an in-depth analysis of the side-by-side nature in which racism exists with multiculturalism. However, while the authors acknowledge that racism is endemic in Australian society, they fail to show consistent links to actual contemporary political policies.

Building on the themes identified by Vasta and Castles is the seminal text *White nation fantasies of white supremacy in a multicultural society* by academic and multiculturalism expert Ghassan Hage.¹⁰⁴ In this powerful and thought provoking

¹⁰¹ *ibid.*, p. 9.

¹⁰² *ibid.*, pp. 67–74 & 326.

¹⁰³ E Vasta & S Castles (eds), *The teeth are smiling: the persistence of racism in multicultural Australia*, Allen and Unwin, Sydney, 1996.

¹⁰⁴ G Hage, *White nation: fantasies of white supremacy in a multicultural society*, Pluto Press, Annandale, NSW, 1998.

text, Hage provides a unique perspective on Australian multiculturalism by emphasising the presence of a ‘white nation’ fantasy within Australian society.¹⁰⁵ According to Hage, this fantasy expresses a yearning for an ideal national order that, for some at least, supposedly existed before being overwhelmed by the ‘chaotic onslaught’ of mass non-white immigration.¹⁰⁶ More importantly, it facilitates an understanding of nationality not only as an extension of ‘self’ but encourages belongingness and control. Thus, citizens do not simply ‘belong’ to the nation, rather the nation also ‘belongs’ to them.¹⁰⁷

In this way, Hage asserts that identity and national are linked to the construction and *control* of social and cultural space.¹⁰⁸ Furthermore, that despite an acceptance and championing of a multi-racial society, multiculturalism continues to be dominated by the same idealised white fantasy.¹⁰⁹ Hage’s scholarship is particularly useful in that it provides a number of concrete examples that highlight the persistence of what he terms ‘White Multiculturalism’.¹¹⁰ For example, Hage argues that the violence against Muslims and Arabs in Australia is largely based on a concept of the ‘ethnic/racial other as a mere object’.¹¹¹

Hage’s argument is coherent, intelligent and sobering. However, while it provides a detailed exploration of Whiteness and multiculturalism, it seemingly underplays the historical race thinking and powerful racist ideology involved in the formation of the Australian state. Thus while Hage provides a strong argument about contemporary racisms within Australian society, he does not focus on identifying the continuous and covert nature of Australian racism.

Prominent Melbourne psychologist Trang Thomas explores a similar contention in her article ‘The great wall of racial divide’.¹¹² Thomas notes that although racial

¹⁰⁵ *ibid.*, p.18

¹⁰⁶ *ibid.*, pp. 68-70

¹⁰⁷ *ibid.*, pp. 51-55

¹⁰⁸ Hage uses Bordieu’s concept of ‘habitus’—that is the socialized norms that guide behaviour and thinking—to explain how new migrants can accumulate ‘national capital’ that is linked to one’s ‘cultural possessions and dispositions’. Hage, *White nation*, p. 54

¹⁰⁹ *ibid.*, pp. 68-70

¹¹⁰ *ibid.*, p.117

¹¹¹ *ibid.*, p. 28

¹¹² T Thomas, ‘The great wall of racial divide’, *Australian Quarterly: Journal of Contemporary Analysis*, vol. 7, no. 5, Sept–Oct 1998, pp. 38–41.

ideas based on biology are largely discredited, a belief in racial difference still manifests in the Australian psyche.¹¹³ Reflecting on her own experiences of racial discrimination in Australia, Thomas begins by differentiating between the concepts of race and racism.¹¹⁴ For Thomas, racism does not simply reflect a fear of difference; rather, in her view, ‘racial typecasting . . . is fundamental to the way humans think’ and it is only when entire ‘races’ are prescribed specific negative meanings that ‘we let loose the ugly sibling-racial prejudice’.¹¹⁵

Using this understanding of race prejudice, Thomas outlines the role racism has played in contemporary Australian society and examines the consequences for the future. Through an examination of Pauline Hanson’s One Nation party and the corresponding ideology of ‘Asianisation’, she highlights the continued relevance of race to Australian discourse.¹¹⁶ While racial prejudice cannot be legislated ‘out of existence’, Thomas suggests that racism can be confronted by ‘adjusting the social, economic and legal climate so that racism is not profitable or acceptable’.¹¹⁷

Thomas’s depiction of race and racism as two siblings is an apt metaphor for the relationship between Australian multiculturalism and racism. Just as two siblings can happily coexist despite displaying wildly different personalities, racism can exist and operate alongside multiculturalism notwithstanding its overtly oppositional ideology. Indeed, as Thomas shows, racist rhetoric used by academics, politicians, the media and members of the public is rarely condemned; rather, it is increasingly legitimised under the auspicious claims of ‘free speech’.¹¹⁸ In this way, race prejudice is often allowed to manifest in society covertly, while the public at large remains unaware of racism.

While Thomas does not directly discuss the link between race and contemporary Australian immigration policy, her article is useful as it provides an assessment of race prejudice in contemporary Australian society. Moreover, it provides a fresh perspective and new understanding to racial discrimination in Australia.

¹¹³ *ibid.*, p. 38.

¹¹⁴ Thomas uses the term ‘racial typecasting’ instead of ‘racism’ to describe the concepts of race, racial prejudice and racial discrimination.

¹¹⁵ Thomas, *Australian Quarterly: Journal of Contemporary Analysis*, pp. 38–39.

¹¹⁶ *ibid.*, pp. 40–41.

¹¹⁷ *ibid.*, p. 40.

¹¹⁸ *ibid.*, p. 41.

In the article ‘One Nation’s electoral support: where does it come from, what makes it different and how does it fit’¹¹⁹, academics Murray Goot and Ian Watson examine the appeal of Hanson’s One Nation party by assessing the demographic of its voters and their ethnic backgrounds. Goot and Watson do not discuss immigration policy specifically; however, they do raise many valuable questions regarding the role of race in Australian political policy. Interestingly, the authors used statistics to show that the majority of the supporters of One Nation were ethnically ‘white’ and came from areas with a relatively low ‘non-white’ population.¹²⁰ Their research therefore provides an insight into how racism continues to manifest despite race having been discredited as a concept. In particular, their research gives insight into the attitudes of members of the Australian public and consequently demonstrates that race is an integral part of contemporary Australia.

While overt expressions of racial incompatibility or a belief in biological notions of innate race difference have mostly disappeared from Australian societal discourse, many theorists have argued that contemporary race debates have not disappeared altogether. Indeed, these debates have evolved instead into a more covert form that emphasises cultural differences.¹²¹ Human geographers Kevin Dunn, Jim Forrest, Ian Burnley and Amy McDonald explore this idea by examining the extent of racist attitudes in contemporary Australian society.¹²²

Using a social constructivist approach, Dunn et al. focus on identifying two types of racism: ‘old racism’ and ‘new racism’.¹²³ The authors suggest that ‘old racism’ was the prevailing racism from Federation until the dismantlement of White Australia. This ‘old racism’, alongside a platform of multiculturalism, was then replaced by a ‘new racism’ that emphasised incompatibility due to inherent cultural differences.¹²⁴

In order to assess the pervasiveness of racism in contemporary Australian society, the authors conducted a sample survey of 5056 persons, from New South Wales and

¹¹⁹ M Goot & I Watson, ‘One Nation’s electoral support: where does it come from, what makes it different and how does it fit?’, *Australian Journal of Politics and History*, vol. 47, no. 2, 2001.

¹²⁰ *ibid.*, p. 160.

¹²¹ K Dunn, J Forrest, I Burnley & A McDonald, ‘Constructing racism in Australia’, *Australian Journal of Social Issues*, vol. 39, no. 4, 2004, pp. 410–11.

¹²² *ibid.*, pp. 409–13.

¹²³ *ibid.*, p. 410.

¹²⁴ *ibid.*

Queensland, aged 18 years and over.¹²⁵ From their research the authors concluded that ‘the old racisms, based on socio-biological forms of racial logic, have not disappeared, although it is clear that the new racisms are more pervasive in contemporary Australian society.’¹²⁶ These conclusions support the main contentions of this thesis. Indeed, while new, cultural racism is predominantly used to justify incompatibility, overt ‘scientific’ race logic continues to influence both societal and government debates. This article by Dunn and colleagues is therefore relevant to this thesis for it provides concrete evidence demonstrating that race is still prominent in the contemporary Australian psyche.¹²⁷

What is lacking, however, is an assessment of how Australian governments have continued to foster and maintain these irrational beliefs regarding inherent incompatibility. As this thesis will show, race has predominantly been used to justify a power hierarchy among human populations. Cultural incompatibilities in contemporary race debates therefore provide ‘justified’ reasoning for marginalisation. This marginalisation, in turn, protects those with power and allows for both the continued manifestation of inequity and appearance of egalitarianism.

2.4 Asylum Seeking

2.4.1 Globalisation

As this thesis will provide an analysis of Australian refugee policies from the immediate period following the Second World War to the first decade of the twenty-first century, the changing political context must be taken into account. Although this thesis is not primarily concerned with the issue of globalisation, an understanding of international patterns of migration and displacement, and studies of refugees, are significant as they inform and provide a context for this thesis.

The existing scholarship in this area is extensive. In the seminal text *Global transformations: politics, economics and culture*¹²⁸ by David Held, Anthony

¹²⁵ *ibid.*, p. 412.

¹²⁶ *ibid.*, p. 425.

¹²⁷ *ibid.*, pp. 423–26.

¹²⁸ D Held, D Goldblatt & J Perraton, *Global transformations: politics, economics and culture*, Stanford University Press, Stanford, 1999.

McGrew, David Goldblatt and Jonathan Perraton, globalisation is defined as the ‘cross-border flows of goods, services, money, people, information and culture’.¹²⁹ This viewpoint is similarly reflected in *Globalization: social theory and global culture*¹³⁰, where sociologist Roland Robertson understands *globalisation* as both ‘the compression of the world and the intensification of consciousness of the world as a whole’.¹³¹

Developing an understanding of globalisation is integral to understanding how people come to be ‘displaced’ and why countries such as Australia should respond compassionately to requests for asylum. In *Global transformations* the authors highlight the complexities in gauging the far-reaching nature of globalisation through an analysis of its social, economic, political and technological relationships. Using a clear conceptual framework, Held et al. acknowledge the vast international manifestations of globalisation and offer a comprehensive guide to globalisation theory. Both texts suggest that globalisation is characterised by both positive and negative elements and are useful in developing an understanding of the term ‘globalisation’ and its manifestations.

Anti-apartheid activist Ronald Segal’s *The race war: the world-wide conflict of races*¹³² is another influential text that provides an in-depth analysis of race theory and globalisation. While written before the term ‘globalisation’ was popularised, his analysis focuses on the impact of what we now understand as ‘globalisation’. Indeed, globalising forces were in existence long before the term became a part of the common lexicon. In this sense, Segal’s analysis prefigured globalisation.

Segal’s text is highly critical of globalisation’s impact on developing nations—highlighting that rich states are often ‘generous in rhetoric’ and display a seemingly ‘devout determination’ to help developing countries, but in actuality, the ‘immediate interests [of those providing aid] will always take precedence over the needs of others.’¹³³ Essentially, Segal contends that developed countries operate with the

¹²⁹ *ibid.*, p. 16.

¹³⁰ R Robertson, *Globalization: social theory and global culture*, Sage, London, 1992.

¹³¹ *ibid.*, p. 8.

¹³² R Segal, *The race war: the world-wide conflict of races*, Penguin, Harmondsworth, Middlesex, 1967.

¹³³ *ibid.*, p. 15.

covert knowledge that any assistance rendered must be repaid. In this way, Segal sees the Western globalised states as exploiters of the developing world.

Segal's ideas are readily exemplified in the Australian political context where governments continually stress the importance of a multicultural society and a commitment to compassion and justice, but the immediate need to 'protect Australia's borders', for example, is continually given precedence over the provision of humanitarian assistance and refuge to those seeking asylum. Furthermore, Australia's contemporary agreements with Nauru, Malaysia¹³⁴ and, more recently, Papua New Guinea¹³⁵, illustrate the implicit transactional understandings imbued in the act of providing assistance. Highly critical and observant, Segal's scholarship is not only significant to the development of this thesis, but it provides a point from which further research can develop.

Finance professor Edward Herman's essay 'The threat of globalisation'¹³⁶ presents a comprehensive analysis of both the globalisation process and a critique of its economic failures. His main argument centres on the idea that the development of a so-called borderless world is both produced by, and designed for, corporate elites. Herman asserts that the goal of globalisation was never equality; rather, that the globalisation process was and continues to be geared towards profit maximisation. Herman's arguments are supported by a broad range of US statistics indicating that despite an increase in productivity, globalisation has resulted in wage decline and heightened global inequity. Indeed, Herman asserts that in the vast majority of situations, globalisation has only served to create economic inequality. In Australia, debates about incompatibility largely centre on the availability of work and the idea

¹³⁴ The proposed Malaysia agreement was ultimately blocked by the High Court. See generally: M Foster, 'The implications of the failed "Malyasian Solution": the Australian High Court and refugee responsibility sharing at international law', *Melbourne Journal of International Law*, vol. 13, 2012, viewed 28 March 2014, <http://www.law.unimelb.edu.au/F891B8A0-5196-11E2-95000050568D0140>.

¹³⁵ J Phillips, 'The "Pacific Solution" revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island', *Australian Parliamentary Research Publications*, 2012, viewed 28 March 2014, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/PacificSolution.

¹³⁶ ES Herman, 'The threat of globalisation', *New Politics*, vol. 7, no. 2, 1999, viewed 28 February 2013, <http://www/wpunj.edu/~newpol/issue26/herman26/html>.

that an ‘influx’ of immigrants will deteriorate Australia’s standard of living and force many ‘white’ Australians out of their jobs.¹³⁷

Sociologist Jan Nederveen Pieterse examines this concept of economic inequality more closely. In *Globalization and culture: global melange*¹³⁸, he asserts that in terms of human rights, globalisation has created a whole new set of problems. For Nederveen Pieterse, the concept of hybridity¹³⁹ serves as a hermeneutical tool for analysing the cultural dimensions of globalisation. Nederveen Pieterse therefore understands globalisation as belonging ‘to a deep dynamic in which shifting civilizational centers are but the front stage of history’¹⁴⁰ and where a backdrop of intercultural traffic results in a surge towards nationalism.¹⁴¹

Catherine Dauvergne propounds a similar viewpoint in *Making people illegal*.¹⁴² Dauvergne’s work focuses on the impact of globalisation on world migration patterns, and her main contention is that globalisation has fostered a return to the concept of sovereignty and state boundaries. She attributes this to the growing fear of the ‘non-white’ foreigner. More importantly, Dauvergne argues that this anti-foreign resentment and fear is not only damaging, but is leading society towards an increasingly insular state consciousness.¹⁴³ These claims are supported with evidence outlining the correlation between the retreat into nationalism and the growth of xenophobic paranoia in Western democracies.¹⁴⁴ This text provides a broad perspective on the resurgence of race and its importance in resurrecting state boundaries.

Dauvergne’s analysis also examines the common misconception about so-called economic migrants. She presents a persuasive argument, noting that the population movements of the nineteenth and twentieth centuries were often characterised by persons seeking to better their life circumstances. She suggests that being poor and

¹³⁷ *ibid.*

¹³⁸ J Nederveen Pieterse, *Globalization and culture: global mélange*, Rowan and Littlefield Publishers, Lanham, MD, 2004.

¹³⁹ J Nederveen Pieterse, ‘Globalisation as hybridisation’, *International Sociology*, vol. 9, no. 2, June 1994, pp. 161–84.

¹⁴⁰ Nederveen Pieterse, *Globalization and culture*, p. 25.

¹⁴¹ *ibid.*, p. 10.

¹⁴² C Dauvergne, *Making people illegal: what globalization means for migration and law*, Cambridge University Press, New York, 2008.

¹⁴³ *ibid.*, p. 2.

¹⁴⁴ *ibid.*, p. 4.

willing to start over in a new country was often, and should remain, the primary reason for migration. Dauvergne notes, however, that in contrast to this earlier period, contemporary migrants citing such reasoning are often the catalyst for exclusionist policy.¹⁴⁵ Such ideas are very relevant to the contemporary Australian context. Indeed, the Howard Government's portrayal of asylum seekers as 'queue jumpers' and 'lifestyle shoppers' are apt examples.¹⁴⁶ Dauvergne's analysis is thorough and raises many questions. As a result, the text affords a thought-provoking base from which further scholarship can develop.

This idea of 'economic migrants' is also explored in *Global migration* by Kaye Healey.¹⁴⁷ This text demonstrates that the portrayal of refugees as 'lifestyle shoppers' is not new. For example, the text notes that the Canberra representative of the United Nations High Commissioner for Refugees, Mr Henry Domzalski, suggested in 1995 that Vietnamese-Chinese refugees seeking asylum in Australia 'went to China as refugees . . . but they have decided to leave for reasons that are economic'.¹⁴⁸ Overall, what these texts demonstrate is that race remains an issue in contemporary Australian immigration policy.

2.4.2 Immigration Issues

Yarwood and Knowling, who contend that 'at a government level, Australian society practised racial discrimination in two vital areas, Aboriginal affairs and immigration policy', support the notion of a covert racism within Australian immigration policy.¹⁴⁹ The authors describe how successive Australian governments have employed an immigration policy based on race. For example, despite public opposition, Yarwood notes that fourteen Malayan men were deported in 1949. Moreover, that following their deportation, the government successively enacted legislation that sought to deport Asians who had previously been admitted to Australia as wartime refugees.¹⁵⁰ In more recent times, public debates on the deportation of particular immigrants (those who have mostly been accepted within

¹⁴⁵ *ibid.*, p. 18.

¹⁴⁶ Mares, *Borderline*, 2002, p. 133; MacCallum, *Quarterly Essay*, p. 27.

¹⁴⁷ K Healey (ed.), *Global migration*, Spinney Press, Balmain, NSW, 1995.

¹⁴⁸ *ibid.*, p. 29.

¹⁴⁹ Yarwood & Knowling, *Race relations in Australia*, p. 257.

¹⁵⁰ *ibid.*, p. 285.

society) have seen the government argue its position all the way to the High Court of Australia.¹⁵¹

It is clearly observable that race has played a large role in Australian immigration policy. However, despite consistent and observable race-based incidences, the link between race and immigration is rarely explored in contemporary academic discourse. James Jupp notes that the link between race and immigration is often ignored, contending that it has been ‘a constant theme in Australian history since 1788 but has often been curiously overlooked or understressed by historians.’¹⁵²

Andrew Markus agrees, stating that there is ‘little specialist interest in the area, and where they do show an interest there is very little empathy for the migrant point of view’.¹⁵³ This lack of empathy for the migrant point of view is particularly relevant as without understanding the context of refugee migration, society is unable to empathise compassionately with the plight of refugees. This lack of empathy is examined in detail in Chapter 7 and will highlight the deliberate actions of the Howard Government to ensure that refugees were not given a public ‘face’. This consequently allowed the government to pursue a race- and fear-based agenda with minimal public backlash or condemnation.

Indeed, the lack of scholarship pertaining to immigration and race in the Australian context is concerning as there are severe implications for refugees. As outlined above, the refugee experiences of those forced to leave their countries and homes are often far more complex than those portrayed by the media and government. Moreover, the lack of scholarship has an even more sinister implication. Without an understanding of race and immigration, societal misconceptions about refugees and

¹⁵¹ A Hodge, ‘High Court blocks Hazara deportation’, *The Australian*, 5 February 2014, viewed 19 March 2014, <http://www.theaustralian.com.au/national-affairs/policy/high-court-blocks-hazara-deportation/story-fn9hmlgu-1226818053743#>; High Court of Australia, ‘Statement re: Minister for Immigration and Multicultural and Indigenous Affairs v QAAH of 2004 and Refugee Review Tribunal’, 15 November 2006, viewed 19 March 2014, <http://www.hcourt.gov.au/assets/publications/judgment-summaries/2006/hca53-2006-11-15.pdf>; *NBGM v Minister for Immigration and Multicultural Affairs* [2006] HCA 54; (2006) ALR 380; (2006) 81 ALJR 337 (15 November 2006), viewed 19 March 2014, <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/2006/54.html?stem=0&synonyms=0&query=hazara>.

¹⁵² J Jupp, ‘Don’t settle for less’, *Jupp report: review of migrant and multicultural programs and services*, Department of Immigration and Ethnic Affairs (DIEA), AGPS, Canberra, 1986, p. 3.

¹⁵³ A Markus, ‘History of post-war immigration’, in G Osbourne & W Maudle (eds), *New history*, Allen and Unwin, Sydney, 1982, p. 95.

migration are sanctioned (and somewhat encouraged) and therefore continue to exist. In fact, Jayasuriya contends that downturns in the intake of displaced persons in Australian history can be linked to increased racism in Australian society.¹⁵⁴

In the aftermath of the abandonment of the White Australia policy, race has often been discussed in terms of ‘multiculturalism’ and ‘ethnic diversity’. An increasingly globalised world has forced predominately homogenetic states, such as Australia, to embrace multiculturalism, at least in an overt sense. In order to understand how Australia covertly supports a race agenda, one must ask, ‘to what extent is Australia multicultural?’ To answer this question, an examination of the contemporary literature is required. There is a considerable amount of literature on multiculturalism; however, the vast majority of it focuses on social cohesion rather than issues of racial exclusion and covert racism.

Eminent criminologist and sociologist Jock Young provides an interesting argument in *The exclusive society*.¹⁵⁵ He asserts that there is an inherent problem with ‘multiculturalism’ for it aims to bring society together, yet continues to emphasise difference. For example, within a given city, places such as ‘Chinatown’ or ‘Little India’, while still part of the city, retain a distinct identity and are viewed as different. In this way, Young contends, a multicultural society enables people to believe in the dominant culture’s superiority while still being able to demonise the other as inferior, evil or criminal. Overtly, however, the society portrays an image of acceptance and compatibility. This is particularly relevant to this thesis as new racism emphasises this cultural incompatibility. As Chapter 3 will show, incompatibility is seen as ‘natural’ rather than racist—that cultural groups are inherently different and cannot and should not coexist.

In the paper ‘Multiculturalism and the Liberal Party’¹⁵⁶, Ghassan Hage explores this idea of opposition more closely. Hage argues that a government’s emphasis on difference between cultures is mainly used to garner political support. Race,

¹⁵⁴ L Jayasuriya, *Immigration and multiculturalism in Australia: selected essays*, School of Social Work and Social Administration, Nedlands, WA, 1997, p. 60.

¹⁵⁵ J Young, *The exclusive society: social exclusion, crime and difference in late modernity*, Sage Publications, London, 1999, pp. 100–09.

¹⁵⁶ G Hage, ‘Multiculturalism and the Liberal Party’, in P Patton & DJ Austin-Broos (eds), *Transformations in Australian Society*, Research Institute for Humanities and Social Sciences, University of Sydney, Sydney, 1997.

therefore, is mainly used as a means to gain political power. Using the Howard term of government as an example, Hage asserts that former Prime Minister John Howard was not racially motivated and did not wish to eradicate minority cultures; rather, statements by Howard were based on a stronger emphasis on core culture and nothing more.¹⁵⁷ Jupp, who asserts that, 'At the heart of opposition to refugees has been lack of experience and understanding rather than racism or even xenophobia'¹⁵⁸, supports Hage's contention.

Another significant work essential to the development of this thesis is *From White Australia to Woomera* by one of Australia's leading political scientists, James Jupp.¹⁵⁹ Jupp assesses the changes in Australian immigration and refugee policy from 1972 to 2002, and explores the differing governmental policies of both the Labor and Liberal governments. Instead of only focusing on the more overt Howard/Hanson movements, Jupp notes that even strongly pro-immigration governments, such as the Hawke Labor Government, have supported exclusionist immigration policy.¹⁶⁰ Likewise, Price notes that the Whitlam Labor Government was reluctant to accept Vietnamese refugees following the collapse of the Saigon regime in 1975.¹⁶¹

Jupp includes an in-depth chapter on refugees and asylum seekers, and he dismisses the Hawke Government's introduction of mandatory detention as missteps and blunders.¹⁶² Similarly, he argues that the Howard Government's unrelenting stance was largely motivated by the need to recapture votes.¹⁶³ Jupp does note that Australia has repeatedly attempted to return 'non-white' asylum seekers to their countries of origin. He specifically refers to Australia's arrangement with Vietnam and China, which allowed the Australian Government to return deportees to their respective countries. He suggests that the recent 'wave' of asylum seekers rests on the Australian Government's inability to return asylum seekers to countries such as Iraq

¹⁵⁷ Hage, 'Multiculturalism and the Liberal Party', pp. 149–59.

¹⁵⁸ Jupp, *From White Australia to Woomera*, p. 177.

¹⁵⁹ *ibid.*

¹⁶⁰ Jupp, *From White Australia to Woomera*, p. 47.

¹⁶¹ C Price, 'Immigration and ethnic affairs', in A Patience & B Head (eds), *From Whitlam to Fraser*, Oxford University Press, Melbourne, 1979, pp. 207–10.

¹⁶² Jupp, *From White Australia to Woomera*, p. 47.

¹⁶³ *ibid.*, p. 194.

and Afghanistan. This is due to the United Nations Convention relating to the Status of Refugees, which states that refugees cannot be returned under 'refoulement'.¹⁶⁴

An assessment of Jupp's work is essential to this thesis as Jupp critically examines Australia's desire to remain ethnically homogeneous. Jupp considers seminal issues such as migration intake, boat people, race, refugees and the consequences of creating a multicultural society through immigration. This thesis agrees with many of Jupp's assertions and attempts to further the discourse by examining specific relationships between race, race thinking and power.

A comprehensive analysis of multiculturalism and race is found in Anthony Moran's *Australia*.¹⁶⁵ The author begins by recounting an interview with two council workers who declare that they are 'not racist'. The council workers note, however, that Iraqis have become a problem in their community with a high propensity towards making bombs, secrecy and corruption. The narrative provides a firsthand view of covert racism in Australia. Moran provides analysis on many of the issues that will be tackled by this thesis. He discusses how asylum seekers have come to represent a threat to national sovereignty¹⁶⁶, how Australian governments have become increasingly hostile towards refugees and 'unauthorised' arrivals, and how Australia's reaction to boat people seems wildly out of sync with the real threat posed.¹⁶⁷ Moran also examines the Australian agreement with the International Refugee Organization and questions the Australian Government's selection process.¹⁶⁸

Contemporary Australian discourse on asylum seekers has focused on 'people smuggling' rather than refugees. In this way, governments appear 'compassionate' as they claim to advocate for safe and effective passage rather than opposing the act of seeking asylum. Lorenzo Prencipe tackles the people-smuggling issue and argues that refugees are dependent on criminal networks to cross borders of wealthy

¹⁶⁴ Jupp, *From White Australia to Woomera*, pp.179–80. For a discussion of 'refoulement', see section 4.3.9 of this thesis.

¹⁶⁵ A Moran, *Australia: nation, belonging and globalization*, Routledge, New York, 2005.

¹⁶⁶ *ibid.*, p. 175.

¹⁶⁷ *ibid.*, pp. 174–180.

¹⁶⁸ *ibid.*, p. 177.

states.¹⁶⁹ Although Prencipe focuses on the European experience, the ideas propounded are valuable to a consideration of Australia's circumstances.

This focus on 'people smuggling and border protection' means that, rather than using race, successive Australian governments have used arguments of nationalism and border protection to justify exclusionist racial policy. The arrival of refugees on leaky boats therefore provides a perfect opportunity to enact race ideology without appearing racist. Fear of the unknown is twisted to imply criminality and deviance, while cultural incompatibility is used to justify why refugee numbers should be limited.

In *Asylum seekers and the state*, sociologist Claudia Tazreiter explores the issue of asylum seekers in Australia.¹⁷⁰ Tazreiter questions the discontent caused by boat arrivals and 'non-white' immigration. She argues that instead of being a burden on the Australian public, immigration has provided immense economic and social benefits to Australia. She touches on ideas of race, but notes that Australia actively promotes the acquisition of citizenship by new immigrants.¹⁷¹

Katherine Valentine takes these arguments further. In her article 'People smuggling or refugee hysteria',¹⁷² Valentine asserts that the Australian Government's refugee policies force those seeking asylum to resort to people-smuggling networks. She justifies these claims by outlining the process those seeking asylum in Australia must follow. She notes that there is no 'clear queue' and, more importantly, that the application process is 'riddled with problems'.¹⁷³ Valentine also addresses the problems faced by those who wait offshore for visas. She correctly points out that the number of visas available to those seeking asylum is reduced in proportion to those granted refugee status inside Australia.¹⁷⁴

¹⁶⁹ L Prencipe, 'Migration and the traffic in people', in FW Fisher & T Ponniah (eds), *Another world is possible: popular alternatives to globalisation at the world social forum*, Zed, London, 2003, pp. 255–61.

¹⁷⁰ C Tazreiter, *Asylum seekers and the state: the politics of protection in a security-conscious world*, Ashgate Publishing, Aldershot, Hants, 2004.

¹⁷¹ Tazreiter, *Asylum seekers and the state*, pp. 129–41.

¹⁷² K Valentine, 'People smuggling or refugee hysteria' *Arena Magazine*, no. 45, February–March 2000, viewed 12 April 2013, <http://search.informit.com.au/documentSummary;dn=200006905;res=IELAPA>.

¹⁷³ *ibid.*, p. 5.

¹⁷⁴ *ibid.*

What this means is that refugees often have a better chance of asylum if they make it to the Australian mainland by boat. Valentine provides a thorough analysis of the Australian refugee situation and discusses Australia's obligations under the United Nations Convention relating to the Status of Refugees. Moreover, she notes the irony of Australia promoting itself internationally as a humanitarian nation, but actually breaching the United Nations Convention. Although Valentine's article does not consider the role of race in government policy, its considered examination of the refugee situation makes it useful to this thesis.

Philippe Legrain is similarly critical of exclusionist border policies from around the world. He criticises the idea that many immigrants 'choose' rather than 'need' to migrate. Indeed, he notes that 'a continent that prides itself on being compassionate and civilised seeks to repel in increasingly inhumane ways people whose only crime is aspiring to a European way of life.'¹⁷⁵ Essentially, he argues that movement between borders should not constitute an act of illegality. Moreover, he questions the real fears of Western states. Do states genuinely believe that free immigration would result in job losses, mass unemployment, riots or even societal collapse? Legrain's answer is 'no'. Rather, he argues that these fears are unfounded and largely based on false perceptions.¹⁷⁶

Legrain concludes that immigrants searching for a better way of life are as justified as those displaced through other means. Although the main examples are drawn from European and American contexts, Legrain does question Australia's harsh border-protection policies.¹⁷⁷ His scholarship is extremely valuable to the progress of this thesis; however, there is a noticeable omission from Legrain's analysis: an assessment of the role race plays in contemporary immigration discourse. As this thesis will show, race is incredibly important in determining who is desirable and who is not. Asylum seekers arriving in Australia are explicitly split into two streams: those who arrive 'officially' by air and those who arrive 'illegally' by boat. Immigrants arriving by air are largely able to land in Australia unchecked¹⁷⁸ and

¹⁷⁵ *ibid.*, p. 27.

¹⁷⁶ P Legrain, *Immigrants: your country needs them*, Princeton University Press, Princeton, 2007, pp. 44–88, 133–43 & 207–25.

¹⁷⁷ *ibid.*, p. 15.

¹⁷⁸ M Kemp & P Mickelborough, '58,000 illegal immigrants in Australia have arrived by plane', *The Advertiser*, 21 November 2011, viewed 17 December 2013,

many more overstay their visas; however, those who arrive by boat are continually targeted as incompatible and deviant, with their migration stories cast as markedly different from those arriving via ‘official’ channels.¹⁷⁹

Ideas of accountability and covert racism are explored in Kevin Dunn, Natascha Klocker and Tanya Salabay’s article ‘Contemporary racism and Islamophobia in Australia’.¹⁸⁰ Citing arguments opposing the creation of a mosque in Baulkham Hills, Sydney, the authors contend that race is never overtly stated, but rather, is covertly implied.¹⁸¹ Their argument supports the assertion of this thesis: that the Australian Government erects invisible walls of difference that appear justified. The arguments propounded here also reflect the views of Hage, who suggests that Australia operates under a myth of homogeneity. Hage notes that physical or cultural differences are often portrayed in negative terms by governments in order to garner political support.¹⁸² Although Dunn, Klocker and Salabay’s paper diverges somewhat from the research aims of this thesis, the themes explored throughout his paper are still highly relevant.

This idea of an invisible wall of difference and inequality is emphasised in *The tyranny of prejudice*¹⁸³ by Australian politician and ‘father’ of multiculturalism, Al Grassby. Grassby’s main contention is that cycles of racism operate through two main categories: hate and ignorance.¹⁸⁴ He argues that these cycles are unjustified and rely on covert mechanisms to sustain them. He abhors such methods and notes that covert actions portray a very real message—that those who are different are inferior.¹⁸⁵ Dunn, Klocker and Salabay present a comparable line of reasoning. Through an examination of contemporary portrayals of Middle Eastern ethnicity, they suggest that covert racism occurs as a result of a fallacious belief that certain ‘races’ are innately incompatible and an attempt to confirm ‘white’ superiority.

<http://www.adelaidenow.com.au/news/illegal-immigrants-arrive-by-plane/story-e6frea6u-1226200568050>. The vast majority of plane arrivals come from ‘white’ countries, or countries that have become ‘white’, e.g., the United States, Britain, China and Malaysia.

¹⁷⁹ *ibid.*

¹⁸⁰ KM Dunn, N Klocker & T Salabay, ‘Contemporary racism and Islamophobia in Australia: racializing religion’, *Ethnicities*, vol. 7, no. 4, 2007, pp. 566–80, viewed 17 January 2014, <http://etn.sagepub.com/dgi/content/refs/7/6/564>.

¹⁸¹ *ibid.*, pp. 555–67.

¹⁸² Hage, ‘Multiculturalism and the Liberal Party’, pp. 149–59.

¹⁸³ AJ Grassby, *The tyranny of prejudice*, AE Press, Melbourne, 1984.

¹⁸⁴ *ibid.*, p. 43.

¹⁸⁵ *ibid.*, p. 4.

Furthermore, they note that the vilification is deliberately clandestine and never openly addresses actual concerns over race.¹⁸⁶

The practices of covert racism mean that Australia can formally proclaim its promotion of 'multiculturalism' while simultaneously informally supporting exclusionist sentiment. Dunn, Klocker and Salabay demonstrate this, noting that an analysis of community opposition to the creation of the mosque reveals that concerns were apparently over citizen 'safety' rather than 'race incompatibility'.¹⁸⁷ Grassby agrees, arguing that racism often masquerades under banners of respectability and societal concern. Indeed, he remarks that terms such as 'respectability', 'the state' and 'heritage' often expresses the race agenda.¹⁸⁸ Both texts illustrate how the Australian community appears inclusive while actively maintaining 'white' exclusivity. Although the article by Dunn, Klocker and Salabay focuses on how race is linked to religious extremism and the supposed innate incompatibility between the Western world and the Islamic religion, the theme of racial incompatibility is relevant to contemporary Australian politics.

An analysis of race from an Australian perspective can be found in the sociological text *Race and racism in Australia*.¹⁸⁹ The authors are highly critical of contemporary migration discourse, claiming that it victimises 'non-white' immigrants, and contend that the fear of foreign immigration is unwarranted. In fact, they note that all persons in Australia who are not of Aboriginal descent are in fact immigrants 'of relatively recent origin'.¹⁹⁰ Essentially, the authors argue that these perceived racial differences are social constructions that have no basis in reality. They also examine how the Australian state has never been comfortable with difference, suggesting that race has always played a role in Australian political policy. This notion is evidenced through examinations of assimilation and compatibility.¹⁹¹ The authors highlight many inconsistencies in Australian thought and note that the postwar period was contradictory as Australia wished to increase its population while maintaining its

¹⁸⁶ Dunn, Klocker & Salabay, *Ethnicities*, pp. 567–69.

¹⁸⁷ Dunn, Klocker & Salabay, *Ethnicities*, p. 569.

¹⁸⁸ Grassby, *The tyranny of prejudice*, p. 43.

¹⁸⁹ K McConnochie, D Hollinsworth & J Pettman, *Race and racism in Australia*, Social Science Press, Wentworth Falls, NSW, 1988.

¹⁹⁰ *ibid.*, p. 169.

¹⁹¹ *ibid.*, p. 182.

homogeneity.¹⁹² Grassby, who notes that the Australian state has never been truly homogeneous, similarly touches upon this myth of homogeneity.¹⁹³

The problems of contemporary interracial tensions in Australia are examined in 'Being black in Australia'.¹⁹⁴ This article contends that contemporary Australia has seen a retreat from multiculturalism. Focusing specifically on the experiences of African refugees and urban Indigenous Australians, the article examines the resurgence of distrust and suspicion of 'non-white' 'races'. It provides a history of African migration to Australia and notes that since 1990, those arriving from Africa have dominated the national refugee intake.¹⁹⁵ This provides a good example of 'legal' 'non-white' immigration and provides a point from which an understanding of racialised immigration can develop. As this thesis will show, academics, politicians and media personalities have all linked societal tensions to race incompatibility. Ideas that certain groups perform better academically and others are more predisposed to deviance continue to flourish within Australian discourse.

Concepts of deliberate racial exclusion are further examined in Jon Stratton's *Race daze: Australia in identity crisis*.¹⁹⁶ Stratton is highly critical of the suggestion that race no longer exists. Rather, he contends that when one examines Australian history, it becomes apparent that ideas of race have persisted to 'exclude those . . . not considered to be eligible to be members of the nation'.¹⁹⁷ Furthermore, he notes that these ideas still resonate and are commonplace in the contemporary Australian context, and he offers a compelling body of evidence to support his conclusions. An example is offered with his assessment of three separate Australian identities: Pauline Hanson, John Howard and Geoffrey Blainey. Stratton demonstrates that although they occupy different positions and viewpoints, Hanson, Howard and Blainey share a common belief that certain cultures are inherently less compatible than others.¹⁹⁸ Stratton also asserts that the views of persons such as Pauline Hanson

¹⁹² *ibid.*, p. 169.

¹⁹³ Grassby, *The tyranny of prejudice*, p. 51.

¹⁹⁴ V Colic-Peisker & F Tilbury, 'Being black in Australia: a case study of intergroup relations', *Race and Class*, vol. 49, no. 4, 2008, pp. 38–56.

¹⁹⁵ *ibid.*, p. 42.

¹⁹⁶ J Stratton, *Race daze: Australia in identity crisis*, Pluto Press, Annandale, NSW, 1998.

¹⁹⁷ *ibid.*, p. 81.

¹⁹⁸ *ibid.*, p. 14.

reflect unquestioned Western racial assumptions. Moreover, he observes that racial rhetoric is not confined to any particular political party.¹⁹⁹

The article ‘The Tampa, wedge politics and a lesson for political journalism’ by journalist Ian Ward²⁰⁰ focuses on the more contemporary issue of unauthorised boat arrivals. An investigative approach is used to outline evidence supporting the claim that the Howard Government predicted situations involving unauthorised boat arrivals. It demonstrates how the Australian Government strategically and covertly planned to use race, illegal immigration and border control as wedge issues for the upcoming election.²⁰¹ This article is significant as it draws links between ‘non-white’ immigration and political motives, and it exposes how the 2001 election was manipulated through issues of race and border control.²⁰² However, this article is also limited in its applicability to this thesis as it is written from a journalistic perspective, and its attention is focused more strongly on the failings of the Howard Government rather than on race debates.

Tony Kevin explores these ideas further in *A certain maritime incident*²⁰³, where he argues that the Australian Government covertly supports various agencies that deliberately deter and disrupt the flow of refugees to Australia. While the text deals specifically with the incident of the *SIEV X* and the deaths of 433 asylum seekers in 2001, it also raises many questions as to how government agencies had prior knowledge of the sinking and, more pertinently, examines the real motives behind Australia’s border policies. Consequently, it reveals essential facts about Australia’s current refugee policy.

*Future seekers: refugees and the law in Australia*²⁰⁴ examines similar issues, but from an alternative perspective. The text deals with the cause and effect of refugee flows and acknowledges the lack of legal rights afforded by the Australian Government to those seeking asylum. It deals with the refugee issue from the

¹⁹⁹ *ibid.*, pp. 168–75 & 198–205.

²⁰⁰ I Ward, ‘The Tampa, wedge politics and a lesson for political journalism’, *Australian Journalism Review*, vol. 24, no. 1, 2002, pp. 21–39.

²⁰¹ *ibid.*, pp. 21–39.

²⁰² *ibid.*, pp. 29–30.

²⁰³ Kevin, *A certain maritime incident*.

²⁰⁴ M Crock & B Saul, *Future seekers: refugees and the law in Australia*, Federation Press, Sydney, 2002.

viewpoint of those seeking asylum and notes: 'The [detention] facilities are jails. Visitors have to be tagged, scanned and assessed before being allowed in. Moreover, even in Sydney's suburban Villawood, detention centres are surrounded by double cyclone fencing, and filled with four-metre high razor wire. In appearance, the remote centres are similar to prisoner-of-war camps.'²⁰⁵ The text provides a detailed analysis of the refugee situation from a non-governmental perspective and consequently provides a useful means to understand the actual lived refugee experience. Moreover, this understanding allows us to critically examine the government's alleged 'compassionate' response to asylum seekers and highlights how power and deterrence are the government's main goals.

The comprehensive account of the *Tampa* episode, *Dark victory*²⁰⁶, is particularly integral to this thesis. In *Dark victory*, Australian journalists and authors David Marr and Marion Wilkinson highlight the covert race agenda of the Howard Government and provide evidence of former Prime Minister Howard's determination to prevent asylum seekers from the *Tampa* reaching the Australian mainland.²⁰⁷ Their complex understanding and explanation of this significant episode in Australian history allows this thesis to draw links between a racialised agenda and political policy.

The authors of *Dark victory* focus primarily on John Howard's period as prime minister; however, they illustrate that the foundations of Australia's racialised policy on refugees were established prior to Howard taking office.²⁰⁸ As noted above, the *Tampa* episode this was not an isolated incident; rather, the Howard Government's racialised border protection and immigration restriction policies continued into the Kevin Rudd and Julia Gillard terms of government under several different 'solutions'. The 'Indian Ocean Solution'²⁰⁹ proposed in Rudd's first term appeared to be a change in immigration policy for it advocated a more compassionate approach

²⁰⁵ *ibid.*, p. 84.

²⁰⁶ D Marr & M Wilkinson, *Dark victory*, Allen and Unwin, Crows Nest, NSW, 2004.

²⁰⁷ *ibid.*, pp. 392–93.

²⁰⁸ *ibid.*, pp. 47 & 120.

²⁰⁹ D Marr, 'The Indian Ocean solution', *The Monthly*, September 2009, pp. 18–30, viewed 12 February 2013, <http://search.informit.com.au/documentSummary;dn=100419749914595;res=IELFHSS>.

to refugees. However, as Marr notes, the reality of Rudd's 'softer policies' was that very little changed for those seeking asylum.²¹⁰

While contending that the Rudd Government reduced the time required to process refugee applicants, he questions the real reasons behind Rudd's decision to continue processing claims for asylum offshore. Marr notes that the then Minister for Immigration, Chris Evans, conceded that everything that was done on Christmas Island could have been done on the mainland.²¹¹ Although Marr does not specifically touch on race, his meaning is implicit: race still plays a significant role in Australian immigration policy. One might ask, 'Why else are asylum seekers continually processed offshore when it would be cheaper and easier for the Australian Government to process them onshore?' The link between race and immigration policy must be investigated further for it is not only highly pertinent to government policy, but it has implications for Australia's treatment of refugees.

As the limited existing literature indicates, debates on the issues of race, refugees and immigration in Australia has been examined unevenly. Specific events, such as the *Tampa* incident, have at times prompted an upsurge in the study of these issues, but by no means has the research area been investigated comprehensively. There is a significant gap in the literature. Although studies have been conducted on refugees and immigration policy in Australia, none specifically examine the issue of race as a determinant of immigration and refugee policies. In the Australian context, race is often viewed narrowly in isolated terms or attributed to the White Australia past. Instead, this thesis will argue that race is a continuous thread that runs from Australia's racially exclusionist past to its 'multicultural' present. This research will show that ideas of race not only form an integral part of Australian history, but that they also resound in the nation's contemporary refugee and immigration policies.

Developing on the themes identified by the literature reviewed above, the following chapter builds on the issues of race and racism by providing an overview of the development, and theoretical understandings of race theory. By tracing the concept of race from its historical foundations through to more contemporary manifestations,

²¹⁰ *ibid.*

²¹¹ *ibid.*, p. 21.

it endeavours to discern and understand the relationship race has with, and the effect it has on, contemporary racism.

Chapter 3

Race and Racism: a Conceptual Understanding

‘Racism is man’s gravest threat to man – the maximum hatred for a minimum of reason.’¹

‘In order to get beyond racism, we must first take account of race. There is no other way.’²

As detailed in the previous chapter, the concept of race itself is extremely contentious and has been used throughout history to justify marginalisation and exclusion. While its strict definition originating from the biological sciences is not controversial, its contemporary usage and understanding continues to provide the justification for discriminatory political policies and the segregation and oppression of minorities in numerous nations throughout the world.

The aim of this thesis is to assess the relevance of race and racism to contemporary Australian society, particularly in the context of refugee migration. Building on the literature reviewed in Chapter 2³, this chapter asks how, as a diverse, multicultural society⁴, does racism still exist in Australia? Moreover, is the concept of race still relevant? In order to answer these questions, a clear understanding of the terminology used in the discussion is crucial. What do we mean by the terms ‘race’ and ‘racism’, and what does it mean to be ‘racist’?

¹ AJ Heschel, *Jewish theologian & philosopher, 1907–1972*, cited in RH Schwartz, *Judaism and global survival*, Lantern Books, New York, 2002, p. 23.

² H Blackmun, ‘Regents of the University of California v. Bakke (No. 7811)’, 438 US 265, 1978, viewed 15 March 2011, <http://www.law.cornell.edu/supremecourt/text/438/265>.

³ See: 2.3 Race and Racism: the Australian Context

⁴ M Wieviorka, ‘Is multiculturalism the solution?’, *Ethnic and Racial Studies*, vol. 21, no. 5, 1998, p. 881. A platform of multiculturalism was officially introduced in Australia in the early 1970s. Australian multiculturalism has largely focused on supporting and maintaining the cultural and linguistic heritage of ethnic groups within a dominant ‘white’ culture.

Recent reports in the Australian media exemplify the complex nature of race terminology and the ambiguity of its societal understanding. In February 2011, *The Sydney Morning Herald* cited findings from a University of Western Sydney survey⁵ on racism to report that Australia was largely a tolerant society.⁶ In contrast, Melbourne's *The Age*, citing the same report, noted that racial tension in Australia was highest in the state of New South Wales and, in a subsequent online poll, found that 67% of its readers believed Australia to be a racist country.⁷ These conflicting attitudes reflect the ambiguous understanding of race—what defines a society as racist? And how does one discern that one society is racist and another is not?

In 2013 a spate of racial attacks on Australian buses and trains⁸ was, for many, confirmation of Australia's latent racism. Professor Stratton of Perth's Curtin University agreed, stating that while Australians 'like to think of [themselves] as multicultural and accepting of others but when it comes down to it, it's only really OK when someone of another race is in their place like serving food at a Thai restaurant.'⁹ Australian-born academic and radio and television presenter Wahleed Aly extended this argument, suggesting that 'extreme individual behaviour' was merely the 'starting point' of racist ideology and the real problem was a 'subterranean racism that goes largely unremarked upon and that we seem unable to detect.'¹⁰ Australian journalist Jacqueline Maley likewise opined that 'It is

⁵ For further information about the project and its findings see University of Western Sydney, 'Challenging racism – findings', Challenging racism: the anti-racism research project, University of Western Sydney, [ongoing], viewed 15 December 2013, http://www.uws.edu.au/ssap/school_of_social_sciences_and_psychology/research/challenging_racism/findings_by_region.

⁶ M Johnston, 'Australia tolerant of cultural differences: study', *The Sydney Morning Herald*, 23 February 2011, viewed 26 December 2013, <http://www.smh.com.au/national/australia-tolerant-of-cultural-differences-study-20110223-1b4ib.html>.

⁷ M Griffin, 'Survey finds NSW has most racial tension', *The Age*, 23 February 23 2011, viewed 26 December 2013, <http://www.theage.com.au/national/survey-finds-nsw-has-most-racial-tension-20110222-1b42m.html>.

⁸ For an overview of the various incidences see SV O'Regan & M Zavan, 'Woman filmed in racist rant on Melbourne train', *Nine News National*, 18 April 2013, viewed 11 December 2013 <http://news.ninemsn.com.au/national/2013/04/18/18/32/melbourne-woman-filmed-in-racist-train-rant>; M Levy, 'Girls shown the door after racist bus rant', *The Sydney Morning Herald*, 15 April 2013, viewed 11 December 2013, <http://www.smh.com.au/nsw/girls-shown-the-door-after-racist-bus-rant-20130415-2hv7j.html>; A Orr, "'No surprise" that racist bus altercation wasn't reported', *WAtoday.com.au*, 12 March 2013, viewed 11 December 2013, <http://www.watoday.com.au/wa-news/no-surprise-that-racist-bus-altercation-wasnt-reported-20130311-2fw87.html>.

⁹ J Stratton, cited in A Orr, "'No surprise" that racist bus altercation wasn't reported'.

¹⁰ W Aly, 'Curse of Australia's silent pervasive racism', *The Age*, Comment, 5 April 2013, viewed 19 September 2013, <http://www.theage.com.au/comment/curse-of-australias-silent-pervasive-racism-20130404-2h9i1.html>.

impossible to know or to measure objectively' Australia's racism. She asserted that 'On one side of the ledger, we have incidents like the Cronulla riots and the racist abuse of footballer Adam Goodes' and yet 'on the other hand we have a mostly cohesive multicultural society with high successful rates of immigration.'¹¹

What these examples highlight is that the meaning of race continues to be vague and misunderstood. While some commentators see individual racial attacks as proof of a covert, latent racism, others suggest that isolated examples of racism are the actions of extremists and do not represent Australian society as a whole. Thus, before any assessment of Australia's racist ideology or racism is conducted, it is imperative to gain a theoretical understanding of the key concepts involved in the debate. Without understanding race, it is impossible to make a judgement on the degree of racism prevalent in Australian society.

This chapter endeavours to disentangle the conceptual themes of race and racism so to gain a greater understanding of their relevance to Australian discourse and society. In an attempt to define and understand the term, this chapter explores some of the broader foundations of 'race' by tracing its definition from its biological origins through to its modern sociological manifestations. More importantly, this chapter seeks to discern and understand the relationship race has with, and the effect it has on, contemporary racism. Finally, this chapter endeavours to determine the relevance of race and to understand its enduring hold on politics and governance in Australia.

3.1 Background

In the twenty-first century, the traditional concept of race that used biological distinctions between groups of people as a means to differentiate between their natures and abilities is largely seen as an artefact of a previous century. The race concept as a social construct, however, remains ever relevant.¹² Indeed, while globalisation and multiculturalism have allowed for a shift in traditional concepts of

¹¹ J Maley, 'Why Australia is perceived as racist', *The Sydney Morning Herald*, 14 December 2013, viewed 26 December 2013, <http://www.smh.com.au/comment/why-australia-is-perceived-as-racist-20131213-2zc1h.html>.

¹² JP Wright, 'Inconvenient truths: science, race and crime', in A Walsh & KM Beaver (eds), *Biosocial criminology: new directions in theory and research*, Routledge, New York, 2009, p. 137.

race and community¹³, racist driven ideology and racism continue to manifest themselves in the daily lives of most people of colour all over the world. The vicious beating of 25-year-old African American Rodney King provides one such international example.

On 3 March 1991 following a high-speed car chase, three members of the Los Angeles Police Department (LAPD) were caught on camera by amateur photographer George Holliday viciously beating Rodney King while a large group of others (including a sergeant and members of the LAPD, California Highway Patrol and Los Angeles Unified School District officers) stood by.¹⁴ Despite the peaceful apprehension of King's two passengers and King's cooperation in his own arrest¹⁵, footage of the incident showed 'the officers clubbing King' fifty-six times with metal batons¹⁶, and kicking him repeatedly 'in the head and body.'¹⁷ In addition to the emotional and physical trauma inflicted on King, that included '11 skull fractures, permanent brain damage, broken [bones and teeth], (and) kidney damage'¹⁸, the officers had laughed and joked about their actions with emergency dispatchers and bragged about the beating to nurses at the hospital.¹⁹

The subsequent judicial exoneration²⁰ of the police who beat King was the catalyst for the Los Angeles Riots. It implicitly affirmed to society that 'police should be

¹³ D Lundy, 'Multiculturalism and pluralization: kissing cousins of globalization', in R Tiplady, *One world or many?: The impact of globalisation on mission*, William Carey Library, Pasadena CA, 2003, pp. 71–84. Lundy explains how, despite being somewhat paradoxically opposed, globalisation and multiculturalism 'feed off each other'. This text contains a detailed explanation, including definitions of 'globalisation', 'multiculturalism' and 'pluralism'. For an examination of links between globalisation and multiculturalism and also a definition of the key terms, see J Audinet, *The human face of globalization: from multicultural to mestizaje*, trans. F Dal Chele, Rowman & Littlefield Publishers, Lanham, 2004; K Bloor, *The definitive guide to political ideologies*, AuthorHouse UK, Milton Keynes, 2010, pp. 270–294; W Stanton, *The rapid growth of human populations, 1750–2000: histories, consequences, issues, nation by nation*, Multi-Science, Brentwood Essex, 2003, pp. 131–44.

¹⁴ Independent Commission on the Los Angeles Police Department, 'Chapter 1: The Rodney King beating', *Report of the Independent Commission on the Los Angeles Police Department*, 1991, p. 3, viewed 25 April 1991, http://www.parc.info/client_files/Special%20Reports/1%20-%20Christopher%20Commision.pdf.

¹⁵ *ibid.*, p. 6.

¹⁶ D Linder, 'The Rodney King beating trials', *Jurist*, 2001, viewed 25 April 2014, <http://jurist.law.pitt.edu/trials24.htm>.

¹⁷ *ibid.*, p. 3.

¹⁸ R King, cited in Independent Commission on the LAPD, 'Chapter 1: The Rodney King beating', p. 8.

¹⁹ Independent Commission on the LAPD, 'Chapter 1: The Rodney King beating', pp. 14–15.

²⁰ On 29 April 1992, after seven days of jury deliberations, all four officers were acquitted of assault. See: JR Lasley, *Los Angeles Police Department meltdown: the fall of the professional reform model of policing*, CRC Press, Boca Raton, FL, 2013, pp. 19–21.

allowed to beat black men who act suspiciously, especially outside of their own neighbourhoods'.²¹ Similarly, global debates about refugees and asylum seekers continually justify and support covert racism by highlighting their supposed innate cultural differences and consequent incompatibility with Western civilisation.²² What this reveals is that race, in fact, 'defines almost everything'.²³ It determines the way individuals interact with each other within their communities and it influences societal perception, political policies and global inequity.

A survey conducted in 1990 by the University of Chicago's National Opinion Research Centre found that 'Fifty-three percent of non-blacks believe that African-Americans are less intelligent than whites; 51 percent believe they are less patriotic; 56 percent believe they are more violence prone, [and] 62 percent believe they "prefer to live off welfare" and [are] less likely to "prefer to be self supporting"'.²⁴ What this reveals is that race thinking not only remains prevalent, but it plays a very crucial role in global societal interactions.

In an assessment of his own lived experience of racism, former Catholic priest Bob Matthieson argues that a denial of its impact on society 'is absurd'.²⁵ He argues that not only do race and racism exist, but they are so interwoven in the fabric of society that their existence is rendered almost invisible. In fact, Matthieson notes that in the United States, racism has become so undetectable that '[h]atred for black people has been made socially acceptable' while racism itself, 'has been legitimized'.²⁶

²¹ TL Dunn, '“Scientific” racism', in R Gooding-Williams (ed.), *Reading Rodney King: reading urban uprising*, Routledge, New York, 1993, p. 180.

²² These debates will be explored further in later chapters. For a general overview of racism pertaining to refugees, see P Essed, 'Naming the unnameable: sense and sensibilities in researching racism', in M Bulmer & J Solomos (eds), *Researching race and racism*, Routledge, London, 2004, pp. 119–133. A more specific account of racism in the United Kingdom is observed in L Penketh, *Tackling institutional racism: anti-racist policies and social work education and training*, Policy Press, University of Bristol, Bristol, 2000, pp. 7–34; and for a discussion on racist fears and political policy in Australia see C Tsiolkas, 'Why Australia hates asylum seekers', *The Monthly*, no. 93, September 2013, viewed 24 November 2013, <http://www.themonthly.com.au/issue/2013/september/1377957600/christos-tsiolkas/why-australia-hates-asylum-seekers>.

²³ M Torres, 'From the near side', in S Terkel, *Race*, Mandarin Paperbacks, London, 1993, p. 331. Quote from a personal account of racism as a 'non-white' Latino in America by political scientist Maria Torres.

²⁴ Cited in S Terkel, *Race*, p. vi.

²⁵ B Matthieson, in Terkel, *Race*, p. 164. Quote from a personal account of racism in post-Reagan America.

²⁶ *ibid.*

Pre-eminent African-American psychologist Dr Kenneth Clark²⁷ presents an even bleaker view, suggesting that racism within society is not only invisible, but that it continues to be self-perpetuating. According to Clark, racism manifests itself not only within the interactions of individuals, but is continually used to justify and maintain class stratification within society. He contends that in the United States, a true test of an individual's 'Americanization' lies in one's 'hostility to blacks' and, more importantly, in a belief in a racial hierarchy that suggests 'someone [is] always below them.'²⁸

In Australia, a similar casual acceptance of racism is equally observable. Racist stereotypes highlighting the criminality, cultural inferiority and economic materialism of refugees form part of everyday societal discourse.²⁹ Asylum seekers and refugees are consistently denied individuality, with any mention of their participation in society (particularly in reference to crime or criminality) linked back to their cultural and ethnic backgrounds.³⁰ Meanwhile, in recent years, traditional racial stereotypes have resurfaced as debates in the media focus on the dominance of

²⁷ Dr Kenneth Clark was the first 'black' president of the American Psychological Association and a pioneer of the civil rights movement. Clark, along with his wife Mamie Phipps Clark, published a report in 1950 that unmasked the psychological effects of racial segregation in schools. Prominently cited in the *Brown v Board of Education* ruling of 1954, it outlawed segregation worldwide. See: PB Levy, *The civil rights movement*, Greenwood Press, Westport, CT, 1998, pp. 87–90 & 104–106.

²⁸ KB Clark, cited in Terkel, *Race*, p. 335. Personal reflection of former president of the American Psychological Association Dr Kenneth B Clark.

²⁹ These ideas will be explored further later in the thesis. Examples of racial stereotyping and sensationalist racist political rhetoric are observable in recent media discourse. For an example see Anti-Discrimination Board of New South Wales and R McCausland, *Race for the headlines: racism and media discourse*, Anti-Discrimination Board of New South Wales, Sydney, 2003, viewed 17 June 2014,

<http://www.lawlink.nsw.gov.au/adb.nsf/85b1a338df13624a2565c6001633d9/358f62148a64bca256ce700200071?OpenDocument>; B Packham, 'Tony Abbott says Kevin Rudd's finally woken up on refugees', *The Australian*, 2 July 2013, viewed 19 August 2013,

<http://www.theaustralian.com.au/national-affairs/policy/tony-abbott-says-kevin-rudds-finally-woken-up-on-refugees/story-fn9hm1gu-1226673080189>; ABC News, 'Hanson supports African refugee reduction', ABC news transcript, 5 October 2007, viewed 22 October 2013,

<http://www.abc.net.au/news/2007-10-05/hanson-supports-african-refugee-reduction/690592>; A Bolt, 'Why bring in refugees who make Australians less safe?', *Herald Sun* online blog, 10 June 2013, viewed 22 October 2013,

http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/why_bring_in_refugees_who_make_australians_less_safe/; G Jones, 'Convicted criminal refugee gets visa', *The Daily Telegraph*, 30 November 2012, viewed 22 October 2013,

<http://www.dailytelegraph.com.au/convicted-criminal-refugee-gets-visa/story-e6freuy9-1226526995134>.

³⁰ This will be explored in further detail later in the thesis. For a broad overview see J Jupp, J Nieuwenhuysen & E Dawson, *Social cohesion in Australia*, Cambridge University Press, Cambridge, 2007; N Yuval-Davis, K Kannabiran & U Vieten, *The situated politics of belonging*, Sage Publications, London, 2006, ebook, <http://trove.nla.gov.au/version/178346733>.

Asian students in the Australian education system³¹ and the impact of increased African immigration on crime.³²

An example of this casual, accepted racism is exemplified by Canadian-born law academic Andrew Fraser, who exploited traditional racist stereotypes in his paper by suggesting that Australia would soon be governed by a professional ruling class heavily influenced by Asians. Fraser suggested that a ruling class of Asians was somewhat inevitable and that ‘white’ Australians would soon find themselves ‘outgunned’ as Asian students ‘endowed with an edge in IQ and a temperament conducive to rigorous regimes of coaching, rote learning and stricter parental discipline’ would begin to dominate university and professional places.³³ Donnelly later affirmed this sentiment, contending that despite his own reluctance to ‘admit it’, the reality was that Australia’s best-performing students were ‘no longer named Patrick or Mary.’³⁴

In a similar fashion, links between increased African migration and rising crime rates in Australia³⁵ exploit archaic notions of racial incompatibility—that particular groups of people are inherently unable to contribute to, and participate positively in, civil society. Importantly, despite overt declarations of abhorrence of racism³⁶, these viewpoints, which based on the definition presented above can only be described as

³¹ A Fraser, ‘Rethinking the White Australia policy’, *Online Opinion*, 2005, viewed 9 July 2009, www.onlinopinion.com.au/print.asp?article=128; K Donnelly, ‘Asian excellence shows how cultural factors influence results’, *Herald Sun*, 18 December 2013, viewed 21 December 2013, <http://www.heraldsun.com.au/news/opinion/asian-excellence-shows-how-cultural-factors-influence-results/story-fni0ffsx-1226786167764>.

³² A Bolt, ‘It seems the police fooled us about Sudanese crime’, *Herald Sun*, 28 April 2001, viewed 21 December 2013, http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/measuring_the_rise_of_the_victorian_feral/; T Dick, ‘Academic stirs fight over race’, *The Sydney Morning Herald*, 16 July 2005, viewed 28 August 2009, <http://www.smh.com.au/articles/2005/07/15/1121429359329.html>; L Wright, ‘Lock out these refugee thugs’, *Sunday Herald Sun*, 4 February 2007, viewed 9 July 2009, <http://www.heraldsun.com.au/news/victoria/lock-out-these-refugee-thugs/story-e6frf7kx-111112938798>.

³³ Fraser, *Online Opinion*.

³⁴ Donnelly, *Herald Sun*.

³⁵ A Bolt, ‘It seems the police fooled us’; T Dick, *The Sydney Morning Herald*; L Wright, *Sunday Herald Sun*.

³⁶ T Soutphommasane, ‘Racism, bigotry and debate, Australian-style’, *The Sydney Morning Herald Comment*, 3 June 2013, viewed 29 September 2013, <http://www.smh.com.au/comment/racism-bigotry-and-debate-australianstyle-20130602-2nju5.html>.

‘racist’, continue to garner substantial public support.³⁷ This suggests that race not only continues to be relevant to studies of society, but furthermore, that traditional ideas of race and race thinking have been replaced by an increasingly casualised acceptance of race and a general legitimisation of its racism.³⁸

This legitimisation and casualised acceptance of race as a concept is what renders the study of it so complex and difficult. Explicit racism, referring to biological differences, is easy to discern, condemn and repudiate; everyday-lived racism, however, is far more complicated and multifaceted. Contemporary ‘comfortable’ racism is subtle. As Soutphommasane correctly points out, ‘You don’t need to wait until someone in Ku Klux Klan robes screams in your face that you belong to an inferior race before you are justified in calling it out.’³⁹ Rather, ‘the polite racism of the educated middle class’ is a far more ‘devastating, enduring racism’.⁴⁰ As Aly writes, ‘there is no event to film, just the daily, invisible operation of a silent, pervasive prejudice’.⁴¹

Despite Australia’s reputation as a largely egalitarian, multicultural community, race continues to affect the lived experiences of many people of colour. Indigenous Australians are, overall, not a culturally privileged group.⁴² Indeed, while representing only 3% of the total Australian population, Indigenous Australians are massively over-represented in the criminal justice system⁴³, are significantly

³⁷ M Duffy, ‘Freedom of speech’, Radio National transcript, 1 August 2005, viewed 28 August 2009, <http://www.abc.net.au/rn/talks/counterpoint/stories/s1424337.html>. A phone poll conducted by Channel Nine’s *A Current Affair* showed that the vast majority (85%) of the audience polled (35 000) agreed with Fraser’s viewpoint that increases in African migration would lead to increased crime in Australia.

³⁸ J Oliver, quoted in ‘Daily Show presenter John Oliver: filming in Australia put me in one of the world’s most comfortably racist places’, *Mumbrella*, 16 April 2013, viewed 29 September 2013, <http://mumbrella.com.au/daily-show-presenter-john-oliver-filming-in-australia-put-me-in-one-of-the-worlds-most-comfortably-racist-places-150728>. In fact, *Daily Show* presenter John Oliver recently described Australia as ‘one of the most comfortably racist places’ he had ever been in.

³⁹ Soutphommasane, *The Sydney Morning Herald*, Comment.

⁴⁰ Aly, *The Age*, Comment.

⁴¹ *ibid.*

⁴² S Castles, ‘Multicultural citizenship: A response to the dilemma of globalisation and national identity?’, *Journey of Intercultural Studies*, vol. 19, no. 1, 1997, p. 16.

⁴³ P Simpson & M Doyle, ‘Indigenous prison rates are a national shame’, *The Drum*, 28 May 2013, viewed 14 October 2013, <http://www.abc.net.au/unleashed/4717444.html>; Australian Bureau of Statistics, ‘Aboriginal and Torres Strait Islander prisoners’, 4517.0 – *Prisoners in Australia, 2013*, 5 December 2013, viewed 7 December 2013, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4517.0main+features62013>.

disadvantaged in health and unemployment, and show low attainment in education.⁴⁴ Furthermore, minorities with non-Anglo-Saxon sounding names often face greater difficulties in securing permanent employment than their Anglo-Saxon counterparts.⁴⁵ Indian students studying in Australia are told by authorities that racist attacks targeting them are a ‘regrettable fact of urban life’⁴⁶ and, lastly, the aftermath of the terrorist attacks on 11 September 2001 not only paved the way for race riots⁴⁷, but saw innocent Australian Arabs demonised as unpatriotic terrorist sympathisers and ‘violent war-mongers’.⁴⁸

Despite an official platform of multiculturalism, stereotypes about innate differences between different groups of people continue to plague societal discourse in Australia. Soutphommasane agrees, noting that ‘when we talk about racism, more often than not we’re talking about prejudice born of stereotypes rehearsed about someone’s skin colour or ancestral background.’⁴⁹ These rehearsed stereotypes are evident in the daily-lived experiences of those of colour. Musician Kamahl reflected in an interview with *The Sydney Morning Herald* that as one of the ‘few black faces’ during his schooling years, he often ‘felt inferior’.⁵⁰ In a similar vein, Indigenous musician Archie Roach spoke of frequently feeling ‘singled out or ignored’, being rejected from pubs and often feeling ‘suspicious eyes upon him’ in shopping centres.⁵¹ Racism is arguably therefore a structure of Australian society.

⁴⁴ Social Justice Report, ‘Measuring Indigenous disadvantage’, *Aboriginal and Torres Strait Islander Commissioner, Human Rights and Equal Opportunity of Commission*, Commonwealth of Australia, 2002, p. 2.

⁴⁵ AL Booth, A Leigh & E Varganova, ‘Does ethnic discrimination vary across minority groups? Evidence from a field experiment’, *Oxford Bulletin of Economics and Statistics*, vol. 74, no. 4, 2012, viewed 23 October 2013, <http://andrewleigh.org/pdf/AuditDiscrimination.pdf>.

⁴⁶ K Dunn, D Pelleri & K Maeder-Han, ‘Attacks on Indian students: the commerce of denial in Australia’, *Race & Class*, vol. 52, no. 4, April 2011, pp. 71–88.

⁴⁷ For an account of the Redfern ‘riot’ and subsequent attitudes towards sentencing, see T Anthony, *Indigenous people, crime and punishment*, Routledge, Abingdon, Oxon, 2013, particularly chap. 7. For an account of the Cronulla riot and an assessment of the racist violence that occurred, see S Poynting, ‘What caused the Cronulla riot?’, *Race & Class*, vol. 48, no. 1, July 2006, pp. 85–92.

⁴⁸ J Wakim, ‘The gulf war within the Australian community and Arab Australians: villains victims or victors’, in G Bird (ed.), *Racial harassment*, National Centre for Migrant and Intercultural Studies, Clayton, Vic, 1992, p. 34.

⁴⁹ Soutphommasane, *The Sydney Morning Herald*, Comment.

⁵⁰ No Author, ‘Five experiences with racism in Australia’, *The Sydney Morning Herald*, 31 May 2013, viewed 11 December 2013, <http://www.smh.com.au/national/five-experiences-with-racism-in-australia-20130530-2neu9.html>. Personal reflection of racism.

⁵¹ *ibid.*

Consequently, race, as a concept, remains highly relevant and important. Understanding the significance of racism to Australia and the widespread existence of racism in Australian society requires not only a consideration of its origins, but also a careful assessment of its application to contemporary societal structures and an examination of the benefit gained through its exploitation. In order to understand the continuous and unrelenting relevance of racism in contemporary political policies and multicultural society, it is therefore crucial to examine and understand race.

3.2 The Beginnings of Race

Contemporary scholarship widely acknowledges that, historically, race was used as a framework by colonial powers to separate the human population so to justify marginalisation and exclusion.⁵² In the traditional view, race was used to classify humankind on the basis of supposed inherent genetic and biological differences. Physical characteristics, such as one's skin or eye colour, were used as determinants to separate the 'races' into a so-called natural social order.⁵³

The use of race as a political tool gained potency in the eighteenth century. As studies began to ascribe behavioural characteristics and intelligence levels to physical appearances, the idea that certain 'races' were inherently superior to others began to take hold and gather momentum. As a consequence, racial classifications were used to justify the enslavement and oppression of those who were regarded as inferior and who fell outside the dominant discourse of 'white' 'superiority'. Racist discourse became increasingly commonplace and race was applied to nationalist theory in order to justify the superiority and political supremacy of the 'white race'.⁵⁴

⁵² GJS Dei, LL Karumanchery & N Karumanchery-Luik, *Playing the race card: exposing white power and privilege*, Peter Lang, New York, 2004; R Sanjek, 'The enduring inequalities of race', in S Gregory & R Sanjek (eds), *Race*, Rutgers University Press, New Brunswick, 1994; I Hamford, *Race: the history of an idea in the West*, Woodrow Wilson Center Press, Washington, DC, 1996.

⁵³ M Omi & H Winant, 'The theoretical status of the concept of race', in C McCarthy, W Crichlow, G Dimitriadis & N Dolby (eds), *Race identity and representation in education*, 2nd edn, Routledge, New York, 2005, pp. 3–7.

⁵⁴ One of the earliest examples of scientific racism asserted that racial differences were permanent and that the 'white race' was innately and inherently superior. See: A De Gobineau, *The inequality of human races*, trans. A Collins, William Heinemann, London, 1915. Similar assertions were made by Vacher de Lapouge in LL Clark, 'Social Darwinism in France', *The Journal of Modern History*, vol. 53, no. 1, 1981, pp. 143–54.

These beliefs were later fashioned and used politically to rationalise and validate social stratification and ethnic nationalism.⁵⁵

The enduring potency of the term ‘race’ and its continued influence on society necessitates further study. What is it about race that renders it so powerful? And how real are its effects? In order to answer these questions and to comprehend the persistent mythology of racism, it is imperative that a thorough analysis of the term is performed. Without a sound understanding of race, it is impossible to understand the complex and covert manner in which racism continues to impact political policies and shape contemporary society.

3.2.1 A Brief History of Racism

A pervasive belief in biological and scientific racism provided the justification for government-sanctioned segregation and race-based politics. Colonial Australian legislation restricted ‘non-white’ immigration and supported the separation of half-caste children from their Indigenous parents.⁵⁶ In the United States, race provided the justification for slavery and validated racial segregation through discriminatory Jim Crow laws.⁵⁷ Similarly, the aftermath of the First World War saw racial laws passed in Italy⁵⁸ and Germany, with the latter’s policy of National Socialism expressing *Rassenhygiene* (racial hygiene) and *Aufnordung* (Nordification) as clear political goals.⁵⁹

⁵⁵ For example, race thinking played an important role in the extreme nationalism leading up to the Yugoslav War, see: V Jalusic, ‘Post-totalitarian elements and Eichmann’s mentality in the Yugoslav War and mass killings’, in RH King & D Stone (eds), *Hannah Arendt and the uses of history: imperialism, nation, race, and genocide*, Berghahn Books, New York, 2008, pp. 153–54. Race ideology was also used to implement and support Nazism, see: LR Reuter, ‘Ethnic-cultural minorities in Germany: life chances, educational opportunities, minority group identity, and political participation’ in RF Farnen (ed.), *Nationalism, ethnicity, and identity: cross national and comparative perspectives*, Transaction Publishers, New Brunswick, 1994, p. 225. See also generally, MN Marger, *Race and ethnic relations: American and global perspectives*, 8th edn, Wadsworth Cengage Learning, Belmont, CA, 2009, p. 489.

⁵⁶ GD Smithers, *Science, sexuality and race in the United States and Australia, 1780s–1890s*, Routledge, New York, 2009, p. 179.

⁵⁷ CV Woodward & WS, McFeely, *The Strange career of Jim Crow*, Oxford University Press, New York, 2002, p. 7.

⁵⁸ JT Schnapp, OE Sears & MG Stampino (eds), *A primer of Italian fascism*, University of Nebraska Press, Lincoln, 2000, chap. 13.

⁵⁹ WH Tucker, *The science and politics of racial research*, Board of Trustees of the University of Illinois, Illinois, 1996, p. 118.

In the years to follow, the concept of race began to move away from traditional biological and eugenic descriptions⁶⁰ as numerous studies⁶¹ began to discredit the idea of fixed genetic racial categorisations. However, rather than abandoning race as a concept in its entirety, race was recast as a moral and social problem where certain ‘races’ were inherently culturally and socially incompatible. Despite a lack of robust scientific evidence, race was still used to justify social stratification and to victimise targeted groups within a society. In South Africa, Apartheid legislation mandated the segregation of the national population into four distinct racial groups,⁶² and the ‘race-based’ political policy that was then enforced through every aspect of society subsequently ensured that the ‘superiority’ of the ‘white race’ was prioritised and maintained.⁶³

While the direct segregation of human populations according to distinct ‘races’ is no longer observable in the Western world, racially motivated political rhetoric and policy is still found in many facets of contemporary Western society. Instead of direct segregation and exclusion, contemporary race policies rely on a more covert and implicit understanding of difference—where the supposed incompatibility of certain groups with the dominant discourse is used to marginalise and exclude the ‘Other’.⁶⁴

As a result, it is important to understand that racism is not simply a result of misunderstanding race; rather, it is a covert and deliberate ideology used to empower the racist. Those who are unable to fit the ideal portrayed by those with power—whether due to skin colour, religion, ethnicity or self-identification—are

⁶⁰ LC Dunn & TG Dobzhansky, *Heredity, race and society*, Penguin Books, New York, 1946, pp. 29 & 93.

⁶¹ See biologists Theodosius Dobzhansky and Leslie C Dunn, anthropologists Ruth Benedict and Ashley Montagu, political scientist Ralph Bunch and historian Jacques Barzun.

⁶² T Lodge, *Black politics in South Africa since 1945*, Longman, New York, 1983, pp. 38–41; T Lodge, *Politics in South Africa: from Mandela to Mbeki*, Indiana University Press, Bloomington, 2003, pp. 75–77.

⁶³ S Matthews, ‘White anti-racism in post-apartheid South Africa’, *Politikon: South African Journal of Political Studies*, vol. 39, no. 2, 2012, pp. 171–72.

⁶⁴ CNN Wire Staff, ‘French Senate approves burqa ban’, CNN International Edition, 15 September 2010, viewed 30 March 2013, <http://edition.cnn.com/2010/WORLD/europe/09/14/france.burqa.ban/index.html>; P Bond, ‘Belgian burqa ban comes into force’, World Socialist Web Site, 2 August 2011, viewed 30 March 2013, <http://www.wsws.org/en/articles/2011/08/belg-a02.html>. Recent debates in the West have largely centred on the incompatibility of the Muslim faith with the dominant ideology of Christianity. In Europe several countries have successfully legislated against specific elements of Islamic dress.

marginalised and excluded from full participation in society.⁶⁵ Consequently, the use of race in politics and government policies cannot be dismissed as an aberration or misunderstanding. In contrast, it is a considered and strategic activity used by politicians to achieve specific political outcomes.⁶⁶

3.3 From Biology to Society: the Development of the Race Idea

The concept of race has been described as ‘man’s [sic] most dangerous myth’⁶⁷. It is therefore not surprising that a single definitive understanding of the concept has proved elusive. Historically, the term ‘race’ was used in the biological sciences as a synonym for ‘species’⁶⁸ and in this manner it can be used uncontroversially to describe the ‘human race’. The ambiguity and complexity of the term developed as race began to emerge as a way to classify the human population. Therefore, in order to understand the origins of the term ‘race’ and the potency of race as a concept, it is necessary to separate its strict scientific definition from its contemporary social manifestations.

Race as a distinct and separate concept is thought to have first emerged in the fifteenth century.⁶⁹ Initial ideas at this time surrounding race differed significantly from contemporary understandings. In the early stages, race was thought to be

⁶⁵ See, for example, Jessica Walton’s reflection on being marginalised, othered and exoticised: J Walton, ‘Not your Asian stereotype: the fight for diverse identities’, *The Conversation*, 2014, viewed 23 April 2014, <http://hdl.handle.net/10536/DRO/DU:30060029>.

⁶⁶ TA van Dijk explains how politicians, as part of the elite ‘white’ group, use ethnicity and race to maintain and reaffirm their class, dominance and position with respect to minority groups. Moreover, that it is those same politicians that ‘ultimately make the decisions on immigration and immigration restrictions, on discrimination and measures against it, on affirmative action policies, and on general resources for housing, welfare and education.’ See: TA van Dijk, ‘Political discourse and racism: describing others in Western parliaments’, in SH Riggisn (ed.), *The language and politics of exclusion, others in discourse*, Sage, Thousand Oaks, CA, 1997, p. 33.

⁶⁷ A Montagu, *Man’s most dangerous myth: the fallacy of race*, Harper, New York, 1942, p. 71.

⁶⁸ BS Beckett, *Biology: a modern introduction*, Oxford University Press, Oxford, 1986, p. 5. A ‘species’ is contemporarily defined as ‘a group of organisms so alike that they can mate together and produce young . . . Usually, members of one species cannot breed with members of another. Different types of dogs can mate and produce puppies, but dogs and cats cannot breed with each other.’ E Cashmore, (ed.), *Encyclopedia of race and ethnic studies*, Routledge, London, 2004, p. 336 notes that the term ‘race’ was initially used in the biological sciences to refer to a subcategory of a particular species that had developed specific and distinguishable characteristics through isolation, but was still able to breed and produce fertile offspring with other subcategories of the same species. However, in order to avoid confusion with contemporary definitions of the term, biologists today prefer to use the term ‘breed’ or ‘subspecies’.

⁶⁹ E Balibar, ‘Paradoxes of universality’, in DT Goldberg (ed.), *Anatomy of racism*, University of Minnesota Press, Minneapolis, 1990, p. 295.

quantifiable and measurable in physical or biological terms. During this early period, studies of race sought to identify distinct physical and behavioural characteristics of human groups based on anatomical or anthropological observations. Research conducted at the time concluded that physical differences (such as skin colour, height and facial features) could be linked to behavioural, intellectual and psychological distinctions. It was commonly thought that an individual's 'character, morality, personality and worth', could be determined simply by 'blood'.⁷⁰

After its initial emergence outside a strictly scientific context, the concept of race underwent a period of multiple changes and redefinitions. The rise of capitalism in the Western world created a need for immovable distinctions between the 'white' ruling classes and the indentured 'black' labourers. The subsequent use of skin colour as a visible buffer between the latter and the former provided one of the first concepts of race.⁷¹ As the idea of race became increasingly accepted by society, its relevance and significance became progressively more important. Race quickly became the dominant discourse in Western society, and its usage in both popular and scientific contexts peaked during the eighteenth and nineteenth centuries as a reflection of the racism that emerged with the Enlightenment.⁷²

Towards the end of the twentieth century, natural and social scientists began to question the idea that human beings could be categorised into biologically distinctive groups.⁷³ Studies conducted during this time concluded that human populations did not form genetically discrete groups. Moreover, it was found that genetic variations between people of the same 'race' were far too great to allow for any reliable or consistent system of racial classification.⁷⁴ Thus, race began to move away from biology and was instead understood as a social construction. Consequently, racial

⁷⁰ D Hollinsworth, *Race and racism in Australia*, Social Science Press, Katoomba, NSW, 1998, p. 120.

⁷¹ TW Allen, *The invention of the white race, volume 2: the origin of racial oppression in Anglo-America*, Verso, London, pp. 249–51; I Kim, 'Historical origins', *Racism and Capitalism*, ebook, pp. 8–9, viewed 17 July 2013, <http://www.scribd.com/doc/21281115/Racism-Capitalism-Chapter-2-Racism-Today-Iggy-Kim>.

⁷² Balibar, 'Paradoxes of universality', p. 295.

⁷³ J Marks, *Human biodiversity: genes, race and history*, Aldine de Gruyter, New York, 1995, pp. 45–47, 55 & 259–61.

⁷⁴ RC King, 'Mirror, mirror, on the wall: mapping discussions of feminism, race and beauty in Japanese American beauty pageants', in T Williams-Leon & CL Nakashima, *The sum of our parts: mixed-heritage Asian Americans*, Temple University Press, Philadelphia, 2001, pp.180–81.

hierarchies were no longer static and immutable, but were rather constructed according to the views and objectives of the majority culture.⁷⁵

Despite a general rejection of the notion that race is fundamentally a biological categorisation, the idea and concept of real and imagined racial distinctions have persisted in recent years. Indeed, both biological and social concepts of race in fact aim to dehumanise the 'Other', influence contemporary societal attitudes and continue to underpin discriminatory political policies. More importantly, while race-based policies may no longer formally exist, governments around the world still use race to exclude, marginalise, and vilify the 'Other' to maintain political and racial power.

3.3.1 Race: a Burgeoning Idea

The idea that human populations could be split into distinct groups according to natural and immutable differences is not new. In ancient Greece and Rome, for example, people were differentiated according to whether they were civilised or barbarous.⁷⁶ Similarly, in the thirteenth and fourteenth centuries, Jews were often linked to the devil and witchcraft.⁷⁷ However, while notions of difference existed and were considered largely permanent and unchangeable, the pre-twentieth century conception of race differed significantly from the concept of race as it is understood today.⁷⁸

Prior to the eighteenth century, the term 'race' was used primarily in the sciences to describe differences between animals. The idea that human populations could be categorised in a similar way began to emerge during the Age of Enlightenment. One of the first attempts to classify the diversity of human populations was made by French Naturalist Georges-Louis Leclerc, Comte de Buffon. Buffon suggested that

⁷⁵ For a deeper understanding of the construction and maintenance of this hierarchy, see: L Hagendoorn, 'Ethnic categorization and outgroup exclusion: cultural values and social stereotypes in the construction of ethnic hierarchies', *Ethnic and Racial Studies*, vol. 16, no. 1, 1993, pp. 26–51. For a detailed analysis of how race shapes and constructs personal and social identities, see: W Bottero & S Irwin, 'Locating difference: class, "race" and gender, and the shaping of social inequalities', *The Sociological Review*, vol. 51, no. 5, 2003, pp. 463–83.

⁷⁶ I Hannaford, *Race: the history of an idea in the West*, Woodrow Wilson Centre, Washington, DC, 1996, pp. 14–17.

⁷⁷ GM Fredrickson, 'The historical origins and development of racism', in *Race – The power of an illusion*, viewed 25 May 2013, http://www.pbs.org/race/000_About/002_04-background-02-01.html.

⁷⁸ GM Fredrickson, *Racism: a short history*, Princeton University Press, Princeton, 2002, p. 17.

human variation was caused by a process of ‘degeneration’ due to environmental factors such as an unsuitable climate or poor diet. This process of ‘degeneration’ was believed to alter human pigmentation and ultimately led to physical and behavioural distinctions.⁷⁹

While Buffon’s theory represents one of the earliest examples of race theory, it differed significantly from other ideas in the same period as it did not see race as heritable or fixed. Instead, it concluded that ‘race’ differences ‘[persist] as long as the milieu remains and disappears when the milieu is changed’.⁸⁰ Thus Buffon believed that all human populations could be traced to a single, ideal ‘race’—the Caucasian ‘race’—and consequently asserted that ‘white’ was the ‘real and natural colour of man’.⁸¹ Divergence from this ideal was accordingly the direct result of environmental factors, and thus under ideal conditions it was thought that degenerate groups were able to revert back to their original Caucasian form.⁸²

In 1735 Swedish botanist and physician Carl Linnaeus published *Systema naturae*, a major work that outlined his ideas for the hierarchical classification of the natural world. Linnaeus’s research focused on what he termed a ‘natural system’ of classification that he surmised was observable in nature. Through his taxonomy of the natural world, Linnaeus became one of the first scientists to place human beings in a system of biological classification.

Through his biological taxonomy, Linnaeus believed that humanity could be classified into four main groups:

1. *Europaeus albus* (white European)
2. *Americanus rubescens* (red American)
3. *Asiaticus fuscus* (brown Asian)

⁷⁹ M Harris, *The rise of anthropological theory: a history of theories of culture*, AltaMira Press, Walnut Creek, CA, 2001, p. 84.

⁸⁰ TF Gossett, *Race: the history of an idea in America*, Southern Methodist University Press, Dallas, 1963, pp. 34–35.

⁸¹ *ibid.*

⁸² Harris, *The rise*, p. 84.

4. *Africanus niger* (black African).⁸³

Each group was assigned specific physical and behavioural characteristics that clearly distinguished it from the others. According to Linnaeus, the *Americanus* were distinguishable as ‘reddish, choleric, and erect; hair black . . . wide nostrils . . . obstinate, merry, free . . . regulated by customs.’ He described the *Asiaticus* group as ‘melancholy, still; hair black, dark eyes . . . severe, haughty, avaricious . . . ruled by opinions.’ The *Africanus* were depicted as ‘black, phlegmatic . . . hair black, frizzled . . . nose flat; lips tumid; women without shame, they lactate profusely; crafty, indolent, negligent . . . governed by caprice.’ Lastly, the supposedly innately superior *Europeaeus* were described as ‘white, sanguine, muscular . . . eyes blue, gentle . . . inventive . . . governed by laws’.⁸⁴ These distinct categories and their apparently fixed differences laid the foundation for the development of early race theory.

Towards the end of the eighteenth century as the idea that humankind could be divided into separate and distinct ‘races’ became increasingly widespread, a German scientist, Johann Blumenbach, contributed to discussions on race. In 1775 he used the study of craniometry⁸⁵ to build upon the earlier ‘racial’ categories and understandings established by Buffon and Linnaeus. Blumenbach’s early research echoed Buffon’s in his belief that all ‘races’, apart from the Caucasian, were the by-products of a process of degeneration. Blumenbach contended that separate and distinct ‘races’ did not occur naturally in society, arguing that ‘colour, whatever be its cause, be it bile, or the influence of the sun, the air, or the climate, is, at all events and adventitious and easily changeable thing, and can never constitute a diversity of species.’⁸⁶

In later years, Blumenbach used the study of craniometry to expand and develop the biological taxonomy established by Linnaeus. His anatomical research concluded that the human population could be divided into five distinct racial groups:

⁸³ JS Slotkin (ed.), *Readings in early anthropology*, Menthuen Publishing, London, 1965, pp. 176–78; CL Brace, “Race” is a four letter word. *The genesis of the concept*, Oxford University Press, New York, 2005, p. 27.

⁸⁴ A Smedley, *Race in North America: origin and evolution of a worldview*, Westview Press, Boulder, CO, 1999, p. 164.

⁸⁵ SJ Gould, *Mismeasure of man*, Norton, New York, 1996, p. 69; C Fluehr-Lobban, *Race and racism: an introduction*, AltaMira Press, Lanham, Md, 2006, pp. 138–146.

⁸⁶ Kim, *Racism and capitalism*, p. 16.

1. *Caucasian* (white)
2. *Mongolian* (yellow)
3. *Malayan* (brown)
4. *Ethiopian* (black)
5. *American* (red).⁸⁷

While the Caucasian was still thought to represent the ideal, and all other categories and divergences were considered inferior, Blumenbach's research did not suggest that 'races' were immutably distinct.⁸⁸ Rather, he contended that the supposed inferiorities and the physical dissimilarities between 'races' were the result of one's environment.⁸⁹

While the idea that humankind could be separated into clear, distinct and visible categories developed during the eighteenth century, human difference was largely seen as an environmental consequence rather than a heritable certainty. The physical and behavioural characteristics attributed to racial groups were not considered to be fixed or static. Rather, the link between race, physical appearance and physiognomy was dependent on climate and diet.

The idea that race should be understood as a reflection of one's environmental factors was soon overshadowed as 'white' capitalists increasingly looked for a way to justify slavery and the oppression of 'black' indentured labourers.⁹⁰ In nineteenth century America the study of race became increasingly concerned with linking the ideas of distinct, physical difference to behaviour and cognitive abilities. The studies hoped not only to understand human difference further, but sought to validate the existent racial hierarchies within society. Thus, research into the 'natural' position of racial groups within American society began to gain credibility and a new way of understanding race, polygeny, was proposed.⁹¹

⁸⁷ JF Blumenbach, *The anthropological treatises of Johann Friedrich Blumenbach*, trans. T Bendyshe, 1865, cited in R Bernasconi & TL Lott (eds), *The idea of race*, Hackett, Indianapolis, 2000, p. 27.

⁸⁸ Gould, *Mismeasure of man*, pp. 403–409.

⁸⁹ M Wolpoff & R Caspari, *Race and human evolution: a fatal attraction*, Simon and Schuster, New York, 1997, pp. 62–64.

⁹⁰ Kim, *Racism and capitalism*, p. 16.

⁹¹ SG Morton, *Crania Americana, or, a comparative view of the skulls of various Aboriginal nations of North and South America*, Simpkin, Marshall & Co, London, 1839; SG Morton, *An inquiry into the*

Polygeny theorised that human ‘races’ originated from separate lineages, contradicting previously held notions that ‘races’ had changed over time. Samuel Morton, a leading proponent of polygenism, conducted extensive research into the link between human cranial capacity and intelligence in an attempt to scientifically explain supposed differences in human ability. His research concluded that the Caucasian and Mongolian ‘races’ had the largest cranial capacity and, consequently, the highest intelligence. In contrast, the African ‘race’ was determined to have the smallest cranial capacity and therefore the lowest intelligence.⁹² Thus Morton’s theories provided credibility to early manifestations of racism where capitalism implicitly inferred that those with ‘dark’ skin were naturally inferior to those with ‘white’ skin.⁹³

3.3.2 Solidifying Race

As civilisation approached the twentieth century, racial tensions erupted in many parts of the world⁹⁴ ensuring that race remained a top priority for global society. As a consequence, the development and solidification of race as a fixed and classifiable ideology grew in importance. Scientific study into race began to move away from strictly physical traits, such as skull size and skin colour, and instead became linked to heredity and genetics.

The idea that human populations could be improved through the selective limitation and reproduction of specific inheritable traits became known as *eugenics*. Eugenicists believed that certain human traits (and ‘races’) were fundamentally more suitable than, and thus had a better chance of prevailing over, others.⁹⁵ These ideas

distinctive characteristics of the aboriginal race of America and catalogues of skulls of man, Boston, 1840; SG Morton, *Crania aegyptica or, observations on Egyptian ethnography, derived from anatomy, history and the monuments Crania Aegyptica*, J Pennington, Philadelphia, 1844; JC Nott & GR Gliddon, *Types of mankind or, ethnological researches: based upon the ancient monuments, paintings, sculptures, and crania of races, and upon their natural, geographical, philological, and Biblical history*, 9th edn, JB Lippincott, Philadelphia, 1868.

⁹² Morton, *Crania Americana*.

⁹³ Kim, *Racism and capitalism*, pp. 17–18.

⁹⁴ For a general overview of some of the main tensions in Britain, the US and Australia during the late nineteenth century, see D Challis, *The Archaeology of race: the eugenic ideas of Francis Galton and Flinders Petrie*, Bloomsbury Academic, London, 2013.

⁹⁵ F Galton, ‘Hereditary talent and character’, *Macmillans Magazine*, vol. 12, 1865, pp. 157–66 & 318–27; *Hereditary genius: an inquiry into its laws and consequences*, Macmillan, London, 1869, pp. 337–40.

were based loosely on Darwin's concept of 'natural selection'⁹⁶, which suggested that animal populations would naturally 'evolve' over time to favour those with stronger and more adaptable genes.⁹⁷

One of the main founders of eugenic theory was the cousin of Charles Darwin, Francis Galton. Galton, having studied Darwin's evolutionary theory, applied the idea of natural selection to human populations. In his research Galton came to the conclusion that while supposedly weaker, less adaptable genetics were similarly observable in the human population, the natural process of evolution in human societies had been thwarted due to the propensity of humankind to protect the underprivileged and the weak. As evolution was largely thought to be an inevitable process, Galton reasoned that without a change in social policies the human population was predestined towards degeneration and would be unable to avoid a 'regression towards mediocrity'.⁹⁸

Galton's research into heredity significantly influenced and altered earlier understandings of race. Race became understood as a heritable trait, subject to human adaptation and improvement, and research into human difference began to focus on intellectual, psychological and moral distinctions. Galton suggested that 'intelligence' and 'natural ability' could be passed down through successive generations, noting that 'a man's natural abilities are derived by inheritance, under exactly the same limitations as are the form and physical features of the whole organic world.'⁹⁹

Following his findings on genetic heredity, Galton sought to combine his conclusions with previously held understandings of the evolutionary process and asserted that:

Consequently, as it is easy, notwithstanding those limitations, to obtain by careful selection a permanent breed of dogs or horses gifted with peculiar powers of running, or of doing anything else, so it would

⁹⁶ A fundamental concept of evolutionary theory, 'natural selection' is the process of gradual adaptation in which organisms best suited to their environment tend to survive and reproduce their genetic characteristics while those less adapted tend to be eliminated. C Darwin, *The origin of species*, Dent, London, 1928.

⁹⁷ *ibid.*, pp. 90–110.

⁹⁸ M Beenstock, *Heredity, family, and inequality: a critique of social sciences*, MIT Press, Cambridge, MA, 2012, p. 15.

⁹⁹ Galton, *Hereditary genius*, p. 1.

be quite practicable to produce a highly-gifted race of men by judicious marriages during several consecutive generations.¹⁰⁰

Thus, the idea that specific human traits were biologically superior became increasingly accepted and eugenicists all over the world sought to find ways in which society could promote 'the more suitable races'.¹⁰¹ While Galton's assertions did not propose the limitation of 'undesirable' genetics, his theories would later form the foundation of discriminatory 'race science', where the study of eugenics was used to justify and validate the sterilisation, extermination and marginalisation of racially 'inferior' peoples.

3.3.3 Controversy and Dissent

As previously noted, the popularisation of race as a marker of human difference can largely be attributed to the rise of capitalism in the Western world. Capitalist systems tend to favour the individual and rely primarily on the accumulation and reinvestment of profit. Consequently, it was in the best interests of colonial rulers to ensure that the means and proceeds of production remained in the hands of a single defined entity.¹⁰²

In early British and American society, 'race', as identified through visible differences in skin colour and physicality, served as a simple and effective way to justify the continued enslavement and indenturing of mostly 'black' labourers.¹⁰³ Using race as a marker of innate and immutable difference between human populations allowed the ruling 'white' class to maintain existent inequitable class structures and provided the explicit endorsement of a 'natural and ordinary', 'white' superiority.

Despite a general belief in the inherent differences of humankind, the idea that human populations could be categorised into distinct and separate racial groups was not universally accepted. Several humanists of the Enlightenment vigorously opposed slavery and the use of indentured 'black' labour, arguing for the 'equality of

¹⁰⁰ *ibid.*

¹⁰¹ F Galton, *Inquires into human faculty and its development*, MacMillan, New York, 1892, p. 25.

¹⁰² Kim, *Racism and capitalism*, p. 5.

¹⁰³ G Ben-Tovim, J Gabriel, I Law & K Stredder, *The local politics of race*, Macmillan, Basingstoke, Hampshire, 1986, p. 61. As a general rule, the 'science of race' portrayed 'white' races as biologically superior, with 'coloured' (and particularly 'black') 'races' as inferior, childlike and savage.

man'. More importantly, they vehemently challenged and refuted the widely accepted racial hierarchy. In 1764 Lawyer and American revolutionary James Otis, in his pamphlet *Rights of the British colonies asserted and proved*, openly challenged the validity of innate 'white' superiority in early colonial societies, arguing that:

Colonists are by the law of nature free born, as indeed all men are, white or black . . . Does it follow that tis right to enslave a man because he is black? Will short curl'd hair like wool, instead of Christian hair, as tis called by those, whose hearts are as hard as the nether millstone, help the argument? Can any logical influence in favour of slavery be drawn from a flat nose, a long or a short face?¹⁰⁴

Similarly, in Pennsylvania, American abolitionist and founder of the first anti-slavery society, Anthony Benezet, fiercely contradicted the widely held 'norms' of innate 'black' inferiority. Instead, he surmised that the wretched and degraded condition of 'black' labourers observable in colonial American society was not related to differences in physical or mental capabilities. Instead, he contended that any visible marker of difference should be understood as a direct result of slavery and oppression:

I can truly and with sincerity declare that I have found among the negroes as great variety of talents as among the like number of whites; and I am bold to assert that the notion, entertained by some, that blacks are inferior in their capabilities, is a vulgar prejudice, founded on the pride or ignorance of their lordly masters, who have kept their slaves at such a distance as to be unable to form a right judgement of them.¹⁰⁵

Fellow dissident and a founding father of the United States, Dr Benjamin Rush, concurred, arguing that there was no scientific evidence to support the idea that 'Negroes' were by nature intellectually or morally inferior. In a paper outlining his

¹⁰⁴ J Otis, *Rights of the British colonies asserted and proved*, 1764, quoted in ES Glaude, *Exodus!: Religion, race, and nation in early nineteenth-century black America*, University of Chicago Press, Chicago, 2000, p. 66.

¹⁰⁵ A Benezet & J Wesley, *Views of American slavery*, Arno Press, New York, 1969, pp. 24–25, quoted in C Malone, 'Rethinking the end of black voting rights in antebellum Pennsylvania: racial ascriptivism, partisanship and political development in the keystone state', *Pennsylvania History: A Journal of Mid-Atlantic Studies*, vol. 72, no. 4, 2005, p. 476.

derision of the slave trade, Rush contended that ‘all the vices which are charged upon the Negroes in the southern colonies and the West-Indies . . . are the genuine offspring of slavery, and serve as an argument to prove that they were not intended for it.’¹⁰⁶

It is clearly observable that in colonial Western history, the enduring nature of race was created, at least in part, in the exploitative relations established by ‘white’ Europeans with the ‘non-white’ ‘Other’. The slave trade and similar capitalist societal manifestations could not have been justified and maintained without the persistent and widespread belief that the ‘coloured’ ‘Other’ belonged to a separate, inferior and subhuman ‘race’.¹⁰⁷ Race and its corresponding racism thus provided the validation needed for colonial rule and legitimised the denial of basic human and societal rights for those who fell outside the dominant discourse.

3.3.4 Social Darwinism and Modern ‘Scientific Racism’

In colonial Western society the dominant discourse of ‘white’ superiority was justified and validated through the continued development and maintenance of race as an area of legitimate scientific study. Despite the vehement objection of several prominent colonialists, ‘scientific’ understandings of race continued to influence and shape race debates.

As society progressed the study of race began to move away from traditional ideas of classification and, instead, ‘race science’ became increasingly concerned with behaviour, intelligence and morality. The study of race was increasingly linked to ideas of subordination and oppression, with a growing belief in the inherent superiority of the ‘white race’. While these ideas were explored through a number of different perspectives, they largely originated from a single ideological concept. As a consequence, the various deviations from developments of scientific racism during the late nineteenth century were commonly grouped under the umbrella term of *Social Darwinism*.¹⁰⁸ This theory purported that human society was not only a coalescence of several different racial groups, but that certain ‘races’ were more

¹⁰⁶ *ibid.*

¹⁰⁷ Sanjek, ‘The enduring inequalities of race’, pp. 1–5.

¹⁰⁸ R Williams, ‘Social Darwinism’, in J Offer (ed.), *Herbert Spencer: critical assessments*, Routledge, New York, 2000, pp. 186–99. The concept of Social Darwinism encompasses the various ideologies that apply biological concepts to the evolutionary theories of Charles Darwin.

evolved and thus inherently superior, rendering them more adaptable to society and life in general.¹⁰⁹ Social Darwinism posited that the less evolved ‘races’ would eventually ‘die out’ due to a gradual process of natural selection, and it envisioned a struggle within society where ‘only the fittest would survive’.¹¹⁰

Social Darwinism is largely thought to have been developed from the ideas of Charles Darwin in his seminal text, *On the origin of species*. From his research into the natural world, Darwin proposed that all living organisms were required to participate in a constant ‘struggle for existence’ as more individuals of each species were born than could possibly survive.¹¹¹ However, his original ideas of ‘natural selection’ were not intended to apply to human populations and were based on studies in the animal and plant kingdoms. Indeed, it was not until Galton’s research into links between human behaviour and heredity became popular that Darwin began to examine a possible connection between human physicality and human social characteristics.¹¹²

As the study of eugenics became popular, Darwin made attempts to connect his theories of evolution to a human context. In *The descent of man* Darwin suggested that ‘at some future point . . . the civilised races of man will almost certainly exterminate and replace the savage races throughout the world.’¹¹³ These thoughts echoed those of Francis Galton, who had similarly contended that ‘more suitable races or strains of blood [had] a better chance of prevailing over the less suitable.’¹¹⁴

In particular, both Social Darwinism and eugenics supported the idea that human populations could be hierarchically ordered according to their evolutionary progress, which in turn provided the reasoning and justification for future scientific racism. This hierarchy was based on a group’s similarity or dissimilarity to the European

¹⁰⁹ B Holzner & L Holzner, *Transparency in global change: the vanguard of the open society*, University of Pittsburgh Press, Pittsburgh, 2006, p. 249.

¹¹⁰ For an understanding of the context of Darwin’s *On the origin of species*, see AP Thakur, *The legacy of Social Darwinism*, Global Vision Publishing, New Delhi, 2005.

¹¹¹ C Darwin, *On the origin of species by means of natural selection or the preservation of favoured races in the struggle for life*, Murray, London, 1861, pp. 84 & 501.

¹¹² RE Fancher, ‘Scientific cousins: the relationship between Charles Darwin and Francis Galton’, *American Psychologist*, vol. 64, no. 2, 2009, viewed 14 February 2014, pp. 84–92, doi: [10.1037/a0013339](https://doi.org/10.1037/a0013339).

¹¹³ C Darwin, *The descent of man, and selection in relation to sex*, 1st edn, John Murray, London, 1871, p. 200.

¹¹⁴ Galton, *Inquiries into human faculty*, p. 25.

‘race’, which was universally considered to be the most advanced and evolved. Consequently, Social Darwinism and eugenics were used to validate the creation of a racial order within society.¹¹⁵ For example, in early twentieth century Europe eugenic theory and racial nationalism was used to support and preserve ‘the biological capital’ of nations¹¹⁶ and to justify the policies of ethnic cleansing in Nazi Germany.¹¹⁷ In the United States similar ideas were used to confirm the immutability of difference and to prevent the admixture of ‘races’, with American eugenicists concluding that ‘negroes, both children and adults, have been found markedly inferior to white in vital capacity . . . Differences in temperament and emotional reaction also exist, and may be more important than the purely intellectual differences.’¹¹⁸ Similarly, in Australia, social Darwinist theories were conceptualised with Indigenous ‘Aboriginal blood’ classified as separate and distinct to ‘white blood’.¹¹⁹ This classification was then used to support the assumption that the Indigenous population was a ‘fossilized society’ that would eventually (and naturally) ‘die out’.¹²⁰

Theories of scientific racism provided a convenient rationalisation for the exploitation and marginalisation of ‘non-white’ ‘races’ and had an enormous impact on global society. While it is commonly acknowledged that scientific racism provided the justification for programs of forced sterilisation in Nazi Germany, it is less well known that similar programs operated throughout the Western world. By 1931 legislation enforcing the forced sterilisation of ‘undesirables’ (primarily the poor, ‘blacks’ and ethnic minorities) was enacted in thirty states of America. In the same period, similar laws were passed throughout various European nations¹²¹ with

¹¹⁵ Most famously it was used to justify Hitler’s Nazi ideology that believed humankind could be improved through selective breeding and the human race could be classified according to the biological and innate superiority or inferiority of its members. See: J Tenenbaum, *Race and Reich*, Twayne Publishers, New York, 1956, p. 211; G Stein, ‘Biological science and the roots of Nazism’, *American Scientist*, vol. 76, no. 1, 1988, pp. 50–80.

¹¹⁶ M Turda & P Weindling (eds), *Blood and homeland: eugenics and racial nationalism in Central and Southeast Europe, 1900–1940*, Central European University Press, New York, 2007, p. 7.

¹¹⁷ *ibid.*, p. 30.

¹¹⁸ P Popenoe & R Hill Johnson, *Applied eugenics*, The Macmillan Company, New York, 1933, pp. 283–84.

¹¹⁹ The *Aboriginal Land Rights (Northern Territory) Act 1976* s. 3(1) defines an ‘Aborigine’ as a person ‘who is a member of the Aboriginal race of Australia’.

¹²⁰ MC Hartwig, ‘Aborigines and racism: an historical perspective’, in FS Stevens (ed.), *Racism: the Australian experience*, vol. 2, ANZ Book Company, Sydney, 1972, p. 9.

¹²¹ A Bashford & P Levine (eds), *The Oxford handbook of the history of eugenics*, Oxford University Press, Oxford, 2010, chap. 21; J Sidanius & F Pratto, *Social dominance: an intergroup theory of*

sterilisation policies, for the most part, directed at ‘socially degenerate races’ (such as the gypsies) and ethnic minorities.¹²²

The development of race as a legitimate scientific concept in the Western world was further consolidated in 1921 with the establishment of the *Statens institut för rasbiologi* (The State Institute for Racial Biology). Founded in Sweden’s Uppsala University, the SIFR was the first academic department devoted to the study and preservation of racial purity. Its corresponding research and education program was associated with a political policy of forced sterilisation, which continued until 1975.¹²³ Social Darwinist ideology also supported laissez-faire capitalism by justifying the ‘natural selection’ of market forces. It validated the desire of Western nations to exclude specific migrant cultures from the marketplace by arguing that the inability of migrants to achieve economic prosperity was proof of their culture’s likewise inability to adapt and evidence of its inevitable demise.¹²⁴

In contemporary times, the international community has largely rejected the extreme manifestations of scientific racism exemplified during the Second World War.¹²⁵ However, despite the general rejection of scientific understandings of race, many of the underlying racial stereotypes and perceptions remain, are relevant and continue to underpin global political policies.

3.3.5 Contemporary ‘Race Science’

Contemporary ‘scientific’ debates have tended to focus on the significance of ‘race’ as an indicator of cognitive ability. In 1969 American Professor Arthur Jensen concluded that differences between the IQ test scores of ‘whites’ and ‘blacks’ could be conclusively linked to genetic differences.¹²⁶ These conclusions were re-examined and explored in 1994 with the publication of Herstein and Murray’s controversial—

social hierarchy and oppression, Cambridge University Press, Cambridge, 2001, pp. 196–97. Similar legislation regarding the forced sterilisation of undesirable ‘races’ was passed in Austria, Belgium, Czechoslovakia, Denmark, Finland, Germany, Norway, Sweden and Switzerland.

¹²² Sidanius & Pratto, *Social dominance*, pp. 195–96.

¹²³ Bashford & Levine (eds), *The Oxford handbook*, p. 372; C Chitty, *Eugenics, race and intelligence in education*, 2nd edn, Continuum International Publishing Group, London, 2009, p. 40.

¹²⁴ T Sowell, *Ethnic America: a history*, Basic Books, New York, 1981, pp. 284–85.

¹²⁵ JP Jackson, Jr, & NM Weidman, *Race, racism and science: social impact and interaction*, ABC-CLIO California, 2004, p. 197.

¹²⁶ AR Jensen, ‘How much can we boost IQ and scholastic achievement?’, *Harvard Educational Review*, vol. 39, no. 1, spring, pp. 1–123.

but incredibly popular—text, *The bell curve: intelligence and class structure in American life*. In it, the authors further hypothesised and consolidated the supposed ‘scientific’ link between intelligence and ‘race’.¹²⁷

In Australia, Associate Professor Andrew Fraser also made comments that linked an individual’s ‘race’ with their intelligence, propensity towards criminality and deviance. In his letter to a local newspaper, the *Parramatta Sun*, he argued that ‘an expanding black population is a sure-fire recipe for increases in crime, violence and a wide range of other social problems’ and later asserted on a nationally syndicated television program that ‘Sub-Saharan Africans have an average IQ of 70 to 75’.¹²⁸

These comments and hypotheses are by no means extraordinary, with a doctoral dissertation by Harvard graduate Jason Richwine concluding that:

The average IQ of immigrants in the United States is substantially lower than that of the white native population, and the difference is likely to persist over several generations. The consequences are a lack of socioeconomic assimilation among low-IQ immigrant groups, more underclass behavior, less social trust, and an increase in the proportion of unskilled workers in the American labor market.¹²⁹

These examples clearly demonstrate that while largely discredited in an official capacity, the idea of race as an area of scientific analysis and as an acceptable and viable indicator of human diversity, remains vigorous.

Indeed, officially the scientific community contends that race is not a biological reality. Observable physical characteristics cannot be used to categorise or define ‘racial groups’.¹³⁰ As Van Arket argues, the offspring of a ‘white’ parent and a ‘black’ parent is not genetically half ‘white’ and half ‘black’. Thus, physical distinctions between human populations are responsible for only one part of a person’s genetic make-up. In fact, if we were to define ‘race’ according to a set of

¹²⁷ RJ Herrnstein & C Murray, *The bell curve: intelligence and class structure in American life*, Free Press, New York, 1994, p. 296-298

¹²⁸ Macquarie University Associate Professor Drew Fraser in interview with Ray Martin on *A Current Affair*, quoted in L Macdonald, ‘‘War on Terror’ emboldens white supremacists’, *Green Left Weekly*, 27 July 2005, viewed 12 June 2013, <http://www.greenleft.org.au/node/32028>.

¹²⁹ J Richwine, ‘IQ and immigration policy’, PhD dissertation, Harvard University, 2009, p. iii.

¹³⁰ PL van den Berge, *Race and racism*, John Wiley & Sons, New York, 1967, p. 21.

common physical characteristics, we would find as many ‘races’ as categories.¹³¹ More importantly, Loury highlights that so called scientific assertions universally neglect a necessary detail: that the ways in which intellectual or physical abilities may or may not be heritable, is irrelevant to the way in which people should be treated and extraneous to the capacity of individuals to contribute in society.¹³²

3.4 Theoretical Understandings of Race

With the rise of the modern world, an understanding of race as a biological reality—as mentioned above—has largely been discredited. How, then, can we explain the continuing racial inequality and the persistent relevance of race in contemporary society? According to some conservative scholars¹³³, race is a diminishing concept and racism has by and large been replaced by policies of multiculturalism and acceptance. This thesis argues to the contrary, contending that a new form of racial understanding that is far more complex and sinister than conservative academics would have us believe continues to operate within modern societies. Meanings and values, either real or imagined, are still attached to physical traits and used to justify policies of exclusion and segregation.

Consequently, this thesis suggests that the understanding of race has shifted from its traditional (and discredited) biological underpinnings to reflect a more sophisticated and multifarious ‘new racism’. In modern society, the colour of one’s skin is no longer purported to be a determinant of one’s behavioural tendencies and mental capabilities; instead, race is socially constructed where cultural difference and inherent incompatibility are used to segregate and marginalise targeted groups. In this way, hierarchies of superiority and inferiority continue to be constructed according to the views of the majority culture and, as a result, race *can* and *should* still be understood as a significant and relevant societal concept. The following part

¹³¹ D Van Arket, ‘Racism in Europe’, in R Ross (ed.), *Racism and colonialism*, Marinus Nijhoff Publishers, The Hague, 1982, pp. 11–12.

¹³² GC Loury, ‘Racial Justice: the superficial morality of colour-blindness in the United States’, paper presented to the United Nations Research Institute for Social Development (UNRISD) Conference on Racism and Public Policy, September 2001, Durban, South Africa, viewed 17 March 2014, <http://www.bu.edu/econ/files/2012/11/dp118.pdf>.

¹³³ K Windschuttle, ‘Why Australia is not a racist country’, *Quadrant*, vol. 5, no. 3, 2006, pp. 28–35. Historian Keith Windschuttle argues that Australia is no longer a racist country.

of this chapter will examine this new understanding of race through a number of different theoretical lenses.

3.4.1 Race as a Social Construct

During the mid-twentieth century an increasing number of intellectuals¹³⁴ began to question the idea that race was an immutable scientific constant. Academic, historian and civil rights activist WEB Du Bois, for example, was one of the first to challenge the notion of race as a static scientific category. Instead, he argued that race was a social construction given that ‘the human species so shade and mingle with each other that . . . it [is] impossible to draw a colour line between black and other races.’¹³⁵

As the scientific study of race became increasingly unsustainable¹³⁶, society began to distance itself from the traditional notion that race was measurable through distinct biological and physical differences. Modern sociologists began to argue that race was a false classification with no basis in biological or scientific truth. They posited race as a concept with no meaning outside racist discourse. Rather, they considered race to be an ideological construct used to legitimise social domination and marginalisation.¹³⁷ However, despite the rejection of race as an accepted and valid area of scientific study, the belief in different ‘races’ persisted in society. As Lopez noted: ‘Biological race is an illusion. Social race, however, is not’.¹³⁸ Consequently, the study of race and racism remains relevant in our contemporary globalised society.

¹³⁴ These included African American intellectuals such as Kelly Miller and WEB Du Bois; biologists Theodosius Dobzhansky & LC Dunn; anthropologists Ruth Benedict & Ashley Montagu; political scientist Ralph Bunch; and historian Jacques Barzun, among others.

¹³⁵ WEB Du Bois, ‘Races of men’, pp. 17–24 in JA Bigham (ed.), *Select discussions of race problems*, Atlanta University Publications, no. 20, p. 20, viewed 9 February 2013, <http://www.library.umass.edu/spcoll/digital/dubois/dubois20.pdf>.

¹³⁶ T Dobzhansky, *Mankind evolving: the evolution of the human species*, Yale University Press, New Haven, 1962, pp. 263–66. Advances in the study of genetics highlighted the complexity of human heredity and undermined the simplistic theories of a fixed racial taxonomy.

¹³⁷ Hollinsworth, *Race and racism*, 1998, p. 32 cited in P Cohen, ‘The perversions of inheritance’, in P Cohen & H Bains (eds), *Multi-racist Britain*, Macmillan, London, 1998, p. 64.

¹³⁸ IF Haney Lopez, ‘The social construction of race’, in R Delgado (ed.), *Critical race theory: the cutting edge*, Temple University Press, Philadelphia, 2000, p. 200.

3.4.2 Critical Race Theory

With the refutation of scientific racism, the idea of race as a social construct began to gain credibility. This ‘social construction’ of race was explored through a number of different conceptual understandings. While civil rights scholars had advanced the notion of ‘colour blindness’ and intentional discrimination during the 1960s, the end of the civil rights movement coincided with a push towards a need for a broader focus on the conditions of racial inequality.¹³⁹ One of the most significant explorations into this area of race research was championed by a group of lawyers, activists and legal scholars through a concept that later became known as critical race theory (CRT).¹⁴⁰

CRT developed as an offshoot of critical legal scholarship and sought to redefine race by examining its relationship to racism and power.¹⁴¹ It recognised racism and white privilege as engrained into the fabric and system of American society—and by extension ‘western society’ more broadly—and it understood the law to be a political, rather than a neutral process that more often than not reproduced social economic privilege. The conclusion was that power structures within American society were largely based on ‘white’ privilege and supremacy.¹⁴² Critical race scholars focused largely on the experience of ‘black’ Americans in the United States and found that despite ‘dramatic civil rights movements and periodic victories in the legislatures, black Americans [were] by no means . . . equal to whites.’¹⁴³ More importantly, CRT asserted that real racial equality was, in fact, an unobtainable and unrealistic goal.¹⁴⁴ In particular, it contended that the American ideas of liberalism and meritocracy often painted a false picture of equality and ignored the systematic inequalities of institutional racism that served as a channel for self-interest, power and privilege.

¹³⁹ DA Bell, ‘Who’s afraid of critical race theory?’, *University of Illinois Law Review*, vol. 893, 1995, pp. 898–908.

¹⁴⁰ R Delgado & J Stefancic, *Critical race theory: an introduction*, 2nd edn, New York University Press, New York, 2012, p. 4.

¹⁴¹ PL Price, ‘At the crossroads: critical race theory and critical geographies of race’, *Progress in Human Geography*, vol. 34, no. 2, 2010, p. 150.

¹⁴² *ibid.*, pp. 150–51.

¹⁴³ DA Bell, ‘Racial realism’, *Connecticut Law Review*, 24, 1992, p. 363.

¹⁴⁴ *ibid.*

For critical race theorists it was crucial to understand race as a social construction involving subordination. Racism was thought to be part of the everyday-lived experience, and thus, it was imperative that race was normalised.¹⁴⁵ As Delgado and Stefancic contended, racism was ‘ordinary, not aberrational’ and reflected ‘the usual way society does business, the common everyday experience of most people of colour in this country.’¹⁴⁶ Consequently, CRT sought not only to reject the biological concept of race, but also to reject a ‘colour blind’ approach to the law and society.¹⁴⁷

According to CRT, racism is an ongoing process that encompasses both speech and conduct. While no singular definitive concept of CRT exists, there are a number of key points on which most critical race theorists agree; for example, that racism is both natural and ordinary, and is a hegemonic process supported by both white supremacists and people of colour. Furthermore CRT contends that:

1. As words are powerful, racism must be addressed through individual and collective action; and therefore
2. To counteract racism, ‘race’ must be made visible and public.¹⁴⁸

Thus the construction and development of race must be considered part of a process of finding a neutral descriptor. The classification of persons as either ‘black’ or ‘white’ is not biological, but rather reflects a history of ‘acted upon ideology’.¹⁴⁹ As a result, CRT insists that racism should be understood as an institutionalised, ‘multiple speech act’ that conveys a universally accepted message of white supremacy through deliberate societal action.¹⁵⁰

An understanding of CRT is therefore valuable in deconstructing the covert manifestations of race and racism in Australian political policies. The continuous

¹⁴⁵ DT Goldberg, *The racial state*, Blackwell Publishers, Malden, MA, 2002, pp. 195–96, 201 & 217–18.

¹⁴⁶ Delgado & Stefancic, *Critical race theory*, p. 7.

¹⁴⁷ C Aylward, *Canadian critical race theory: racism and the law*, Fernwood Publishing, Black Point, Nova Scotia, 1999, p. 19.

¹⁴⁸ AP Olmsted, ‘Words are acts: critical race theory as a rhetorical construct’, *Howard Journal of Communications*, vol. 9, no. 4, 1998, p. 325.

¹⁴⁹ K Thomas, quoted in CW Lawrence III, R Delgado & KW Crenshaw (eds), *Words that wound: critical race theory, assaultive speech and the first amendment*, Westview Press, Boulder, CO, 1993, p. 61.

¹⁵⁰ M Omi & H Winant, *Racial formation in the United States: from the 1960s to the 1990s*, Routledge, London, 1994, p. 60; K Hylton, ‘How a turn to critical race theory can contribute to our understanding of ‘race’, racism, and anti-racism in sport’, *International Review for the Sociology of Sport*, vol. 45, no. 3, 2010, pp. 338–46.

depiction of asylum seekers as an incompatible and fearsome ‘Other’ reflects an institutionalised and ‘acted upon’ racist ideology. Moreover, as CRT contends that race must be ‘made visible’ in order to counteract racism, arguments relying on Australia’s multiculturalism as evidence of its ‘colour blindness’ are rendered deficient and ineffective.

3.4.3 ‘Whiteness’

The study of race and racism has historically focused on the ‘non-white’ ‘Other’.¹⁵¹ In contrast, the ‘white’ subject is largely seen and accepted as the norm, and thus is assumed to require no particular analysis or scholarly focus.¹⁵² Using the study of history in the American school system as an example, Thompson highlights how ‘American history’ in the United States reflects only ‘white’ history while the study of ‘non-white’ groups in the same period is instead considered ‘special’ and a departure from the norm.¹⁵³

‘Whiteness’ study scholars argue that the ‘white’ individual is not simply omitted or forgotten in debates regarding race. Rather, it is the implicit racialisation of the ‘white’ individual as ‘white’ that automatically grants them membership to the ‘master race’ and subsequently negates the need for them to be named.¹⁵⁴ The study of ‘whiteness’ thus seeks to emphasise the normalisation and naturalisation of ‘whiteness’ in contemporary societies by highlighting its inherent invisibility.¹⁵⁵ Just as feminist debates seek to understand male privilege in order to comprehend persistent gender disadvantage, ‘whiteness’ theory seeks to expose how the ‘status of whiteness as a norm is a privilege’¹⁵⁶ in order to understand persistent, endemic racism.

¹⁵¹ This concept is explained in Chapter 7.3.2. For a general understanding of the concept see: E Said, *Orientalism*, Penguin, London, 1995.

¹⁵² R Dyer, *White*, Routledge, London, 1997, pp. 1–39 & 41–81.

¹⁵³ Thompson, ‘Summary of whiteness theory’, p. 1.

¹⁵⁴ H Bannerji, *Thinking through: essays on feminism, Marxism and anti-racism*, Women’s Press, Toronto, 1995, p. 127.

¹⁵⁵ S Ahmed, ‘Declarations of whiteness: the non-performativity of anti-racism’, *Borderlands e-journal*, vol. 3, no. 2, 2004, viewed 14 November 2012, http://www.borderlands.net.au/vol3no2_2004/ahmed_declarations.html.

¹⁵⁶ A Thompson, 2001, ‘Summary of whiteness theory’, 2001, viewed 14 November 2012, http://mccaugheycentre.unimelb.edu.au/data/assets/pdf_file/0003/144660/Thompson_2001_2.pdf, p. 1.

According to Dyer, '[white people need to learn to see themselves as white, to see their particularity. In other words, whiteness needs to be made strange'.¹⁵⁷ This call for 'whiteness' to be made 'visible' is similarly made by Thompson who highlights its pervasiveness in everyday contexts.¹⁵⁸ What this demonstrates is that 'whiteness' is omnipresent in Western societies. Moreover, so to understand the effect and influence 'whiteness' has on society, it is important that 'whiteness' is made visible to 'whites'. However, in order to achieve true racial equality, the dominant and privileged position of 'white' individuals must also be acknowledged.¹⁵⁹ Dyer agrees, arguing that 'whiteness' 'must be seen' as its power is derived and maintained 'by being unseen'.¹⁶⁰

One problem with attempting to eradicate the invisibility of 'whiteness' is that 'whiteness', as a concept, remains a relatively new and novel way of thinking about race. As Du Bois noted: 'The discovery of a personal whiteness among the world's population is a very modern thing – a nineteenth and twentieth century matter indeed.'¹⁶¹ Furthermore, 'whiteness' is a difficult concept to define as it often applies to different groups of people at different times due to a multitude of changing social and political motivations.¹⁶² Indeed, as 'whiteness' is a socially constructed category, it is not static. Instead, 'whiteness' is bestowed or granted to a small number of 'deserving' 'non-white' individuals in a way that it remains invisible; where honorary 'whites' participate in material 'whiteness' and are tokenised to prove society's 'colour blindness'.¹⁶³

Critical studies of 'whiteness' therefore seek to situate 'whiteness' theory into a larger framework of race and racial identity. By identifying and reframing 'whiteness' as a distinct racial category, 'white' ceases to exist as the norm from which all other races are distinguished. Effectively, this erodes and destabilises the

¹⁵⁷ R Dyer, 'The matter of whiteness', in L Back & J Solomos (eds), *Theories of race and racism: a reader*, Routledge, New York, 2000, p. 541.

¹⁵⁸ Thompson, 'Summary of whiteness theory', p. 1.

¹⁵⁹ B McKay, 'Making whiteness visible', in B McKay (ed.), *Unmasking whiteness: race relations and reconciliation*, Griffith University, Nathan, Qld, 1999, p. 3.

¹⁶⁰ Dyer, *White*, p. 45.

¹⁶¹ WEB Du Bois, *Darkwater: voices from within the Veil*, Harcourt, Brace and Company, New York, 1920, quoted in DR Roediger, *Black on white: black writers on what it means to be white*, Schocken, New York, 1998, p. 184.

¹⁶² KO'Connell, 'Pinned like a butterfly: whiteness and racial hatred laws', *ACRAWSA e-journal*, vol. 4, no. 2, 2008, pp. 1–11.

¹⁶³ Thompson, 'Summary of whiteness theory', p. 1.

foundations of 'white' power and allows for a more equitable and valuable way of understanding race.

In Australia race research has primarily focused on the 'racist' and racist ideology.¹⁶⁴ Despite the centrality of 'whiteness' to the development of an Australian national identity¹⁶⁵, 'whiteness' is fundamentally normalised and invisible, allowing Australia to proclaim itself as 'multicultural' and 'non-racist'.¹⁶⁶ In this way, 'white' Australians are cast as benign, anti-racist actors within the political discourse, and racism and inequality are provided with the implicit permission to flourish.¹⁶⁷

While in the vast majority of Western countries 'white' dominance was expressed through slavery and a racialised class structure, in Australia 'whiteness' was largely framed through cultural incompatibility and immigration restriction. Australia's uniqueness as an island nation and its distance and isolation from the rest of the Western world provided early colonisers with great control to exercise and maintain 'white' dominance. Upon their arrival on Australian shores, 'white' colonists assumed from the outset that they had political, social and economic control over Indigenous Australians who were perceived as less evolved and primitive.¹⁶⁸ Indeed, it was their invisible 'whiteness' contrasted with visible Indigenous 'blackness' that validated 'white' authority.

The physical markers of 'whiteness' provided the rationale and continued justification for 'white' hegemony by covertly situating 'white' as superior to 'coloured'. In colonial Australia these implicit understandings of 'whiteness' saw Indigenous Australians systematically dispossessed and excluded from all aspects of society. Political policies supported the removal of Indigenous Australians from their traditional lands to reserves and recast them as 'servants'—valuable only in their

¹⁶⁴ R Standfield, "'A remarkably tolerant nation?': Constructions of benign whiteness in Australian political discourse', *Borderlands e-journal*, vol. 3, no. 2, 2004, viewed 8 January 2013, http://www.borderlands.net.au/vol3no2_2004/standfield_tolerantnation.html.

¹⁶⁵ M O'Dowd, 'Place, identity and nationhood: the Northern Territory intervention as the final act of a dying nation', *Continuum: Journal of Medical and Cultural Studies*, vol. 23, no. 6, 2009, p. 805. O'Dowd asserts that 'Australianness [is] defined in racial terms as white'.

¹⁶⁶ J Haggis & S Schech, 'Incoherence and whiteness: reflections on a study of settler life histories', in B McKay (ed.), *Unmasking whiteness: race relations and reconciliation*, Griffith University, Nathan, Qld, 1999, p. 50.

¹⁶⁷ Standfield, *Borderlands e-journal*.

¹⁶⁸ T Birch, 'The last refuge of the "un-Australian"', *UTS Review*, vol. 7, no. 1, 2001, p. 20.

ability to be used by their 'white' 'masters'.¹⁶⁹ Similarly, government policies following Federation legislated a selection process that relied on physical markers of 'whiteness' in order to determine the suitability of a person for immigration to Australia.¹⁷⁰

Physicality, however, was not the only distinction used to rationalise a 'white' agenda in the Australian political and social environment. Behavioural and psychological characterisations were also taken into consideration and used to justify a 'race-based' social structure. In this way, those of 'colour' were viewed as deficient and inferior in comparison to the dominant 'white' ideology. While not implicitly stated, 'whiteness' was understood as a marker of civility. The 'coloured' 'Other' was consequently depicted and understood as inherently incompatible to civilised society and was invariably portrayed through opposing extremes: meek and childlike; stupid; or savage, animalistic and violent.

Despite the relatively recent development of 'whiteness' as an area of academic study, 'white' privilege and the concept of 'whiteness' are observable in many facets of early Western civilisation, including the Australian colonial period. For example, in the discovery of gold during the 1850s in Victoria and the corresponding increase in immigration caused tensions between the 'white' colonists and the largely 'coloured' immigrant miners. The Chinese, in particular, were singled out as 'unwelcome competitors',¹⁷¹ and were 'tainted with a terrible and dangerous disease'¹⁷² rendering them incompatible to the colonial Australian way of life. Their behaviour, in contrast to implied 'white' civility, was depicted as savage and foreign, for they were believed to belong to 'a hostile race, whose habits and customs are repugnant to all civilised men'.¹⁷³

¹⁶⁹ See generally the personal reflections of racist recasting in J Huggins & R Huggins, *Auntie Rita*, Aboriginal Studies Press, Canberra, 1994.

¹⁷⁰ The *Immigration Restriction Act 1901* gave customs officers the power to target specific immigrants by prohibiting the entry into Australia of any person who failed to write out at dictation a passage of fifty words in length in any European language. 'An Act to Place Certain Restrictions on Immigration and to Provide for the Removal from the Commonwealth of Prohibited Immigrants' (No. 17 of 1901), NAA: A1559, 1901/17.

¹⁷¹ D Johanson, 'History of the White Australia policy', in K Rivett (ed.), *Immigration: control or colour bar?*, p. 4.

¹⁷² RN Ebbles & LG Churchward (eds), *The Australian labour movement, 1850–1907*, Lansdowne Press, Melbourne, 1965, pp. 73–74.

¹⁷³ *ibid.*

In colonial Queensland, an innate belief in ‘white’ privilege and superiority was also invariably used to justify the subordination of Melanesian labourers. While depicted as physically capable for agricultural labour, psychologically they were seen as diametrically opposite to the ‘white colonists’: chronically indolent, childlike, stupid and useful only under ‘white’ supervision and management. Consequently, the Melanesians were consistently and systematically marginalised from colonial Australian society and only occupied those jobs considered beneath the ‘white man’.¹⁷⁴

While no stable consensual meaning of ‘whiteness’ exists among international scholars,¹⁷⁵ an understanding of its conceptualisation is integral to recognising racism in modern society. In contemporary ‘multicultural’ Australia direct racialisation is often undetectable. ‘Whiteness’ theory thus lends a unique approach to the study of race and racism by focusing on the invisible norm rather than on the visible minority. Moreover, it provides a broader interpretation of who is ‘white’ within society, for understanding the concept as a social construction allows us to recognise that the parameters of ‘whiteness’ can change over time.¹⁷⁶ In that sense, racism is able to operate covertly in a multicultural society as persons who are defined as ‘white’ are likely to be blind to their own ‘whiteness’ and the privileges afforded to them.¹⁷⁷

3.4.4 New Racism/Cultural Racism

In the post-civil rights era, it was assumed that racism had been largely eliminated from global society.¹⁷⁸ However, while traditional forms of biological and institutional racism¹⁷⁹ were broadly refuted and replaced with policies of

¹⁷⁴ DJ Murphy, RB Joyce & CA Hughes (eds.), *Prelude to power: the rise of the Labor Party in Queensland 1885–1915*, Jacaranda Press, Milton, Qld, 1970, p. 190.

¹⁷⁵ S Garner, *Whiteness: an introduction*, Routledge, New York, 2007, p. 1.

¹⁷⁶ R Frankenburg, *White women, race matters: the social construction of whiteness*, University of Minnesota Press, Minneapolis, 1993, pp. 140–50 & 232.

¹⁷⁷ *ibid.*, p. 225–32.

¹⁷⁸ H Winant, ‘Racism today: continuity and change in the post-civil rights era’, *Ethnic and Racial Studies*, vol. 21, no. 4, 1998, pp. 755–66.

¹⁷⁹ *Institutional racism*, a term coined by Stokley Carmichael and Charles V Hamilton, describes a form of racism in which ethnic minorities are seen as inferior and where race thinking is organised and embedded into political and social institutions. See generally: S Carmichael & CV Hamilton, *Black power: the politics of liberation*, Penguin, Harmondsworth, Middlesex, 1969; C Phillips, ‘Institutional racism and ethnic inequalities: an expanded multilevel framework’, *Journal of Social Policy*, vol. 40, no. 1, 2011, pp. 173–92; M Kleg, *Hate prejudice and racism*, State University of New York Press, Albany, pp. 164–65.

multiculturalism, racism did not simply disappear.¹⁸⁰ A more sophisticated, covert racism emerged in its place, where cultural differences and differences in the values of cultural groups were constructed as naturally and unavoidably incompatible. Essentially, this new form of covert racism allowed for the development of a racism without race.¹⁸¹

This ‘new racism’ developed from racist public discourse depicting immigrants seeking refuge in Western states as unable to assimilate and as a threat to social cohesion.¹⁸² Eschewing traditional race ideology, it avoids the charge of being ‘racist’ by ensuring that those individuals and groups targeted (such as immigrants) are not directly racialised. Instead, targeted groups are portrayed as resistant to assimilation and consequently understood as being culturally incompatible with (‘white’) society.¹⁸³

In 1968 British politician Enoch Powell warned against unchecked immigration in Great Britain, asserting that while immigrants were not racially inferior, they were a threat to British cultural homogeneity and should be a cause of concern for ‘decent, ordinary’ ‘whites’.¹⁸⁴ Although subsequently sacked and condemned for his position, many, if not most, in Britain agreed with his point of view. Indeed, C Howard Wheeldon, who was present at Powell’s address, affirmed that ‘it was fascinating to note what little hostility emerged from the audience. To the best of my memory, only one person voiced any sign of annoyance.’¹⁸⁵ Later, an opinion poll conducted by the

¹⁸⁰ N Rätzzel, ‘Developments in theories of racism’, in Evens Foundation (ed.), *Europe’s new racism: causes, manifestations, and solutions*, Berghahn Books, New York, 2002, p. 5.

¹⁸¹ SP Huntington, ‘The clash of civilizations,’ cited in Parliament of New South Wales, Legislative Assembly, Anti-Discrimination Board racism report, 1 May 2003, viewed 14 March 2013, <http://www.parliament.nsw.gov.au/prod/parliament/hansart.nsf/V3Key/LA20030501014>, p. 190.

¹⁸² M Barker, *The new racism: conservatives and the ideology of the tribe*, Junction Books, London, 1982; M Verlot, ‘Understanding institutional racism’, in *Europe’s new racism*, in Evens Foundation (ed.), *Europe’s new racism*, pp. 27–42; B de Gaay Fortman, ‘Racism and poverty in a human rights perspective’ in Evens Foundation (ed.), *Europe’s new racism*, p. 75; R Chin, H Fehrenbach, G Eley & AT Grossmann, *After the Nazi racial state: difference and democracy in Germany and Europe*, University of Michigan Press, Ann Arbor, 2009, pp. 13, 92 & 178–79.

¹⁸³ J Docker & G Fischer (eds), *Race, colour and identity in Australia and New Zealand*, University of New South Wales Press, Sydney, 2000, pp. 256–57; A Lentin & G Titley, *The crisis of multiculturalism: racism in a neoliberal age*, Zed Books, London, 2011, p. 76.

¹⁸⁴ ‘Enoch Powell’s ‘Rivers of Blood’ speech’, *The Telegraph*, 6 November 2006, viewed 17 May 2013, <http://www.telegraph.co.uk/comment/3643823/Enoch-Powells-Rivers-of-Blood-speech.html>.

¹⁸⁵ CH Wheeldon, quoted in S Nanji, ‘Immigration policy: Enoch was never right’, *The Daily Touch*, 23 May 2013, viewed 29 June 2013, <http://www.thedailytouch.com/currently-trending/immigration-policy-enoach-was-never-right/>.

Gallup Organisation found that 74% of those surveyed agreed with the content of Powell's speech.¹⁸⁶

The general acceptance of Powell's assertions by society at large exemplifies the power of this new racism. By using 'culture' rather than race as a marker of difference, new racism claims to dismantle traditional hierarchical structures and condemn racist ideology. Instead, it claims to 'protect' and 'preserve' cultural differences by advocating against their admixture.¹⁸⁷ This sentiment is observable in Martin Barker's *The new racism*, which highlights that it is natural for people to want to 'defend [their] way of life, traditions and customs against outsiders – not because they are inferior, but because they are part of different cultures.'¹⁸⁸ New racism therefore posits cultural differences as inherently incompatible to the dominant culture and an inevitable barrier to social cohesion.

In the Australian context, the effects of new racism are clearly observable in political debates and government policies, especially in regards to immigration. In 1996 Pauline Hanson criticised multiculturalism and argued against further immigration by claiming that Australia's national culture was under threat from the country being 'swamped by Asians'.¹⁸⁹ While her views were controversial, they were allowed to remain in the public discourse and received implicit support from the then Prime Minister, John Howard. Howard stopped short of endorsing her position; however, he acknowledged that many Australians shared her views.¹⁹⁰ This provided a covert message to the Australian populace conceding that multiculturalism was somewhat problematic and that a move towards a more united monoculture was not only desirable, but also 'normal'.

In recent years, the Muslim and Arab 'Other' have become victims of new racism with their religious beliefs linked to an increased capacity for extremism and violence.¹⁹¹ Islamic culture, rather than race, is portrayed as fundamentally

¹⁸⁶ S Heffer, *Like the Roman: the life of Enoch Powell*, Orion, London, 1991, p. 467.

¹⁸⁷ Rätzl, 'Developments in theories of racism', pp. 6–7.

¹⁸⁸ Barker, *The new racism*, pp. 23–24.

¹⁸⁹ Docker & Fischer (eds), *Race, colour and identity in Australia and New Zealand*, pp. 256–57.

¹⁹⁰ Australian Broadcasting Corporation, 'Pauline Hanson pulls the plug as One Nation president', *7.30 Report*, TV program transcript, 14 January 2002, viewed 29 June 2012, <http://www.abc.net.au/7.30/content/2002/s458299.html>.

¹⁹¹ D Cottle & D Bolger, 'Race in Australian immigration policy'.

incompatible with Australian society—and more broadly, with the Western world—presenting a threat to social cohesion. While never directly expressed, it is implicitly understood that the onus to assimilate and comply with dominant ‘white’ norms lies with the Islamic ‘Other’. The failure or inability to comply with these norms is then interpreted as dangerous and a threat to social unity.¹⁹²

In a similar fashion, covert new racism supports the racist idea that a heavily Asian-influenced professional ruling class ‘will not hesitate to promote the interests of co-ethnics at the expense of white Australians’¹⁹³ and has linked increased African migration with increases in crime.¹⁹⁴ Conservative columnist Andrew Bolt from the *Herald Sun*, for example, warns that statistics obtained from police figures and the 2006 Census show that every year 1 in 23 Somalians are allegedly involved in crime, while for the rest of the Australian population, the rates are 1 in 85.¹⁹⁵ The operation of new racism in Australia is thus challenging the fundamental and government sanctioned ideology of multiculturalism by stating that the differences between cultures are innate and impossible to eradicate or resolve.¹⁹⁶

New racism is particularly venomous as racist rhetoric is consistently presented under the guise of ordinary, non-discriminatory debate, separating the ‘racist’ from those ‘justifiably’ concerned with cultural incompatibility and difference. As Hanson explained on *Enough Rope*:

Lets [sic] define the word, what ‘racist’ is – ‘A person who believes that their race to be superior to another’s.’ I’ve never advocated that. And I challenge anyone to tell me one thing that I’ve said that is racist. Criticism is not racism. Accountability is not racism . . .¹⁹⁷

Hanson therefore uses new racism to vehemently deny a racialised agenda in her ideology, contending instead that she has a right ‘to question immigration and

¹⁹² *ibid.*

¹⁹³ Fraser, *Online Opinion*.

¹⁹⁴ T Dick, ‘Academic stirs fight over race’, *The Sydney Morning Herald*, 16 July 2005, viewed 22 December 2013 <http://www.smh.com.au/articles/2005/07/15/1121429359329.html>.

¹⁹⁵ A Bolt, ‘Race offence against truth’, *Herald Sun*, 19 November 2008, viewed 17 December 2013, <http://www.heraldsun.com.au/news/race-offence-against-truth/story-e6frf7jo-1111118075070>.

¹⁹⁶ Parliament of New South Wales, Legislative Assembly (Full Day Hansard Transcript), 1 May 2003, Anti-Discrimination Board racism report, 2003, p. 190, viewed 14 March 2013, <http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA20030501014>.

¹⁹⁷ P Hanson, *Enough rope with Andrew Denton*, TV program transcript, 20 September 2004, viewed 17 December 2012, <http://www.abc.net.au/tv/enoughrope/transcripts/s1203646.html>.

multiculturalism', which she believes is not in the best interests of 'helping our country.'¹⁹⁸

Criticism of 'natural' difference, however, *is* racism. Despite the absence of overt biological and physiological markers of 'race', claims of innate incompatibility due to cultural factors are indeed racist. As Jakubowicz contends, this form of new racism is racially discriminatory as it 'maintains that the privileges of one group should prevail over those of another'¹⁹⁹. While traditional 'scientific' theories of 'race-based' incompatibility depends on visible genetic differences, new racism claims that 'natural' differences are observable between cultural groups and that these differences inevitably cause friction and disharmony in a society. The potency of new racism therefore lies in its ability to remain unseen. While traditional racism is largely overt and visible, new racism is covert and imperceptible. Genuine diversity is neither encouraged nor envisioned; instead, differences between cultures are presented as permanent and unchangeable. In this way, the proponents of new racism claim to be non-racist by suggesting that members of 'unassimilable' cultural groups should remain in their own space for their own best interests.²⁰⁰

3.5 The Manifestations of Racism

As this chapter has shown, ideas of racial superiority and justified exclusion are still evident in many aspects of global society. Indeed, despite continuous and dedicated research into race and racism, we are yet to be rid of the scourge of its endemic manifestations. Political policies, particularly in regards to immigration, continue to reflect a 'white' dominant discourse. Similarly, the framing of 'white' issues as innately more important is still clearly observable in the Western media. Dramatic or tragic events involving the deaths of mainly 'white' people, such as the September

¹⁹⁸ P Hanson, quoted in G Kwek with AAP, 'I'm not a racist, says Pauline Hanson', *The Sydney Morning Herald*, 9 March 2011, viewed 22 December 2013, <http://www.smh.com.au/nsw/state-election-2011/im-not-a-racist-says-pauline-hanson-20110309-1bn04.html>.

¹⁹⁹ A Jakubowicz (ed), *Racism, ethnicity and the media*, Allen & Unwin, St Leonards, NSW, 1994, p. 29.

²⁰⁰ *ibid.*

11 terrorist attacks in 2001, are granted significant media space, while tragedies involving the ‘Other’²⁰¹, such as the Rwandan genocide, are frequently sidelined.²⁰²

Racism is, in fact, a silent, insidious plague that affects every aspect of society. The recent shooting of Trayvon Martin in the United States led President Barack Obama to acknowledge that there was a ‘history of racial disparities in the application of [American] criminal laws: everything from the death penalty to the enforcement of . . . drug laws.’²⁰³ Reflecting on the Australian context, Elder argues that ‘Our wealth and lifestyle, the much touted “Aussie way of life” [has] all been achieved as a direct consequence of Aboriginal dispossession’.²⁰⁴

Racism also impacts the lived experience of the individual. Despite an outward acceptance of ‘multiculturalism’, persons who fall outside the dominant ‘white’ discourse often find themselves excluded and marginalised from full participation in society. As Kim notes, ‘A person with black or brown skin will often be passed up for promotion or employment over a white candidate, attract attention from police, be ignored by a shop assistant or sexually stereotyped.’²⁰⁵

While the focus of this thesis is on Australian immigration policy, race thinking and racism is not limited to government policies and political rhetoric. For example, research conducted in the United States found that racism within the workplace exacerbated and contributed to the physical and mental health problems of ‘coloured’ individuals.²⁰⁶ Racism also contributes to, and maintains, institutionalised racial structures of oppression. The structures of oppression continue to be ‘the major and pervasive cause of much everyday stress for black families and communities’.²⁰⁷ In Australia, the lingering effects of racist policies pertaining to the ‘Stolen Generation’

²⁰¹ The term ‘Other’ is commonly used to explain the ways in which one group excludes another. For a definition, see B Ashcroft, ‘Other’, in B Ashcroft, G Griffiths, & H Tiffin (eds), *Key concepts in post-colonial studies*, Routledge, London, 1998, p. 169.

²⁰² Kim, *Racism and capitalism*, p. 1.

²⁰³ B Obama, quoted in B Knight, ‘Obama’s personal stories of racism’, *ABC News*, transcript, 21 July 2013, viewed 15 September 2013, <http://www.abc.net.au/news/2013-07-20/obamas-personal-stories-of-racism/4833312>.

²⁰⁴ B Elder, *Blood on the wattle: massacres and maltreatment of Aboriginal Australians since 1788*, New Holland, Frenchs Forest, NSW, 2003, p. viii

²⁰⁵ Kim, *Racism and capitalism*, p. 1.

²⁰⁶ JR Feagin & KD McKinney, *The many costs of racism*, Rowman & Littlefield Publishers, Lanham Md, 2005, p. 40.

²⁰⁷ *ibid.*, p. 97.

continue to impact Indigenous communities.²⁰⁸ Meanwhile, disagreement over a proposed Islamic school in Camden, in south-west Sydney, saw huge crowds converge to express disdain towards Islam.²⁰⁹

What this highlights is that the effect of racism manifests in its ability to penetrate every aspect of society. Social researcher Rebecca Huntley noted: 'It's in these quiet lounge rooms and bright and airy backyards that I hear racism in all its forms'.²¹⁰ Thus, ideas of racial superiority and justified exclusion are still found in many facets of global society. While the focus of this thesis is on immigration policy, race thinking and racism is not limited to political rhetoric and government policies. Racism is covert, pervasive and widespread, and its effects are woven into almost every aspect of contemporary society. In order to understand the consequences and importance of racism in society, it is necessary to look beyond simple constructions and definitions of race ideology. Racism is not simply the misunderstanding of race or culture; rather, it is a calculated and strategic plan used to maintain 'white' dominance and power.

To assume that multiculturalism has eradicated race and racism implies that the racist is rational. However, racism and racist behaviour is not simply the result of misunderstandings or the wrong information. Racism is entrenched in societal discourse and individual structures.²¹¹

3.6 Conclusion

In 'multicultural' Australia, the use of the term 'race' is somewhat outdated and controversial. Politicians and the media, in particular, are keen to avoid a direct reference to the concept of race, preferring instead to highlight cultural or ethnic incompatibilities in the event of social discord or disorder. Race, however, remains

²⁰⁸ R Eversole, R Routh & L Ridgeway, 'Crime and violence prevention in an urban Indigenous community', *Environment and Urbanization*, vol. 16, no. 2, October 2004, p. 76.

²⁰⁹ E Kinsella, 'School angst', *Camden Advertiser*, 7 November 2007, p. 1.

²¹⁰ R Huntley, 'My adopted sister came to live with us and now I understand racism in Australia', *Mamamia*, 17 November 2013, viewed 17 November 2013, <http://www.mamamia.com.au/social/is-australia-racist/>.

²¹¹ Räthzel, 'Developments in theories of racism', pp. 4–5.

ever relevant to the Australian context. The decade since 2001 alone has witnessed multiple examples of racial stereotyping and comfortable, lived racism.²¹²

It is this continued relevance of race and racism to contemporary society that necessitates further academic study. Race is now discredited as a biological entity. Contemporary science accepts that there are no biologically fixed subspecies of humans. Isolated genetic pools rarely exist; where they do, 'the most dramatic differences of appearance can be wiped out in one act of miscegenation'²¹³. While the old biological hierarchy of 'races' has been discredited, we continue to examine—and judge—the world through race-coloured glasses because we have been conditioned to socially discern fellow human beings according to racially defined appearances. The capitalist media will headline tragic events involving the deaths of mainly 'white' people in a First World country while treating even greater tragedies as a footnote. A person with black or brown skin will often be passed up for promotion or employment over a 'white' candidate, attract extra attention from police, be ignored by a shop assistant or be sexually stereotyped and exemplifies the manifestations of racism in every aspect of society.

Ideas of race and racism have not always existed. They are not instinctive or natural. As exemplified through history, the idea of race and the existence of racism is a relatively recent manifestation that came about largely as a desire by the Western world to justify slavery and oppression.

Today, the problem of racism is heavily mystified, beginning with the concept of race. This notion has been tightly shrouded in the appearance of something so utterly natural for so many generations that many take it as a self-evident fact. In a 2001 telephone survey in Queensland and New South Wales, 77.6% of respondents agreed that 'humankind is made up of separate races'.²¹⁴ While not in itself an indicator of the level of racist discrimination and, therefore, not the central problem when it

²¹² Some examples include the Redfern Riots in 2004, the Cronulla riots in 2005, attacks on Indian students in 2009 and, more generally, political debates surrounding the possibility of an influx of undesirable 'economic' refugees.

²¹³ BJ Fields, 'Ideology and race in American History', in JM Kousser & JM McPherson (eds), *Region, race and reconstruction: essays in honor of C. Vann Woodward*, Oxford University Press, New York, 1982, pp. 143–77.

²¹⁴ KM Dunn, 'Racism in Australia: findings of a survey on racist attitudes and experiences of racism', paper presented at 'The challenges of immigration and integration in the European Union and Australia', University of Sydney, 18–20 February 2003, p. 8.

comes to practically tackling racism, this survey result nonetheless reflects how deeply entrenched and pervasive the ideology of race is in society.

In the following chapter, the thesis moves briefly away from the discussion of race and racism in an attempt to understand the continued relevance of border control and refugee flows to traditionally immigrant nations such as Australia. By identifying a number of key concepts and definitions, it provides an examination of the various treaties and conventions developed in response to mass displacement and forced migration in the aftermath of the Second World War.

Chapter 4

Refugees: the Historical Context of an International Pariah

‘Everyone has the right to seek and to enjoy in other countries asylum from persecution.’¹

The history of the Western world is littered with examples where refugees have been portrayed as international pariahs—demonised and vilified by governments, the press and ordinary citizens alike. While acts of refugee migration are not new, an increasingly globalised world has forced states that have been traditionally regarded as ‘immigrant nations’ to question and reassess their commitments and obligations to the international system of refugee protection.

Following the problems of mass displacement in the aftermath of the Second World War, an international system of protection was created to protect those rendered stateless through warfare, ethnic cleansing, genocide and famine. However, despite the establishment and continued operation of this international system of protection, human displacement and the associated problems of border control remain highly relevant to states today.

Rather than a decrease in global refugee numbers, the post–Second World War era witnessed a huge increase in refugees worldwide. In 1951, the number of refugees still displaced after the Second World War was estimated to be 1 million.² The Vietnam War also saw over half a million Vietnamese rendered stateless.³ Conflicts caused by the fall of the Soviet Union and, more recently, conflict in the Middle East

¹ The Universal Declaration of Human Rights, Article 14(1), 2012, viewed 12 November 2012, <http://www.un.org/en/documents/udhr/index.shtml#a14>.

² UNHCR, ‘Refugee figures’, 2013, viewed 3 August 2013, <http://www.unhcr.org/pages/49c3646c1d.html>.

³ JH Willbanks (ed.), *Vietnam War: the essential reference guide*, ABC-CLIO, LLC, Santa Barbara California 2013, p. xxiii.

have led to further increases in refugee flows. By 1978 the number of refugees around the world had grown to an estimated 3 million⁴ and the Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that in 2013 a staggering 10.4 million people were stateless.⁵ Moreover, refugee-creating forces, often described as ‘push factors’⁶, show no signs of abating and continue to fuel contentious debates on state responsibilities and obligations towards refugees. As the refugee problem has expanded, states such as Australia have increasingly sought to close their borders to refugees.

Importantly, contemporary narratives of refugee movements continue to frame mass displacement as a significant and increasing global problem.⁷ The displacement of thousands fleeing the 2011 Libyan Civil War, for example, saw refugees recast as a crisis for the European Union.⁸ In particular, Libya’s proximity to the Italian coastline fuelled fears of an imminent immigrant influx in Italy with the then Italian foreign minister, Franco Frattini, urging Italian citizens to remain vigilant, warning

⁴ MJ Gibney, ‘Liberal democratic states and responsibilities to refugees’, *The American Political Science Review*, vol. 93, no. 1, March 1999, p. 169.

⁵ UNHCR, ‘Refugee figures’.

⁶ ES Lee, ‘A theory of migration’, *Demography*, vol. 3, no. 1, 1966, viewed 12 September 2012, <http://links.jstor.org/sici?sici=0070-3370%281966%293%3A1%3C47%3AATOM%3E2.0.CO%3B2-B>, pp. 47–57; F Chang-Muy & EP Congress (eds), *Social work with immigrants and refugees: legal issues, clinical skills and advocacy*, Springer, New York, 2009, pp. 25–26. Immigration discourse often refers to ‘push and pull factors’. First articulated by Lee, push-pull theory refers to the various factors that may cause or influence a person’s decision to migrate. Push factors refer to negative or unfavourable conditions that force people to leave their country of origin. Pull factors refer to aspirational or positive aspects (such as a better standard of living, good schools, better jobs and nicer weather) that encourage individuals or groups to migrate to a new country. For a general discussion of the causes of refugee movements see G Loescher, *Beyond charity: international cooperation and the global refugee crisis*, Oxford University Press, New York, 1993, pp. 11–32; CA Parsons & TM Smeed (eds), *Immigration and the transformation of Europe*, Cambridge University Press, Cambridge, 2006, pp. 449–53.

⁷ C Hawley & C Wilder, ‘Race and refuge: German asylum system hits breaking point’, *Spiegel Online International*, 30 August 2013, viewed 19 October 2013, <http://www.spiegel.de/international/germany/refugee-influx-reveals-german-asylum-policy-shortcomings-a-919488.html>. In Germany, opposition to increasing refugee numbers has resulted in violence. For a general discussion of the framing of refugees as problematic, see G Younge, ‘Refugees: a problem that won’t go away’, *The Guardian*, 17 June 2010, viewed 22 July 2012, <http://www.theguardian.com/commentisfree/2010/jun/17/western-attitude-refugees>.

⁸ Amnesty International, ‘Libya: totally inadequate response by EU states to refugees stuck in limbo’, *Amnesty International*, 19 September 2011, viewed 27 November 2013, <https://www.amnesty.org/en/news-and-updates/report/libya-totally-inadequate-response-eu-states-refugees-stuck-limbo-2011-09-19>. Amnesty International strongly criticised the European response to African refugees rendered stateless through the Libyan conflict.

that ‘no Italian should underestimate’ the impending ‘Biblical exodus’ of refugees from Africa.⁹

Similarly, in Australia we have seen the term ‘refugee’ replaced in contemporary political discourse by terms such as ‘asylum seekers’, ‘asylum shoppers’, ‘boat people’, ‘economic migrants’, ‘illegal immigrants’, ‘irregular maritime arrivals’ (IMA), ‘suspected unauthorised non-citizens’ (SUNCs), and more recently, under the Abbott Government, simply ‘illegals’.¹⁰ While at a glance it is easy to assume that these changes are simple changes in ‘labelling’ enacted by various governments to differentiate their political policies from their predecessors, the effect of these changes on wider society needs to be understood clearly for they have important, far reaching and significant implications.

4.1 Background

While the word ‘refugee’ invokes an image of hopelessness requiring international compassion, in political discourse its definition is often manipulated and deconstructed to circumvent international obligations.¹¹ Australian refugee discourse exemplifies this covert manipulation.¹² In political debates on refugees in Australia the term ‘genuine’ often precedes the term ‘refugee’. This practice creates an ambiguous understanding of the term ‘refugee’ itself and casts doubt on the

⁹ N Squires, ‘Libya: Italy fears 300,000 refugees’, *The Telegraph*, 23 February 2011, viewed 17 November 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8343963/Libya-Italy-fears-300000-refugees.html>.

¹¹ See for example, the report by Arbel and Brenner which outlines the ways in which the Canadian Government has increasingly sought to close its borders and avoid its refugee protection obligations. E Arbel & A Brenner, ‘Bordering on failure: Canada-U.S. border policy and the politics of refugee exclusion’, *Harvard Immigration and Refugee Law Clinical Program*, 5 April 2014, viewed 17 April 2014, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2420854. Similarly, Haddad explores the deconstruction and confusion over its definition by asking ‘Who is (not) a refugee?’ in E Haddad, ‘Who is (not) a refugee?’, *EUI Working Paper SPS*, no. 2004/6, European University Institute, Florence, 2004, viewed 12 December 2013, <http://cadmus.eui.eu/bitstream/id/1769/sps2004-06.pdf>. See also D Stevens, ‘Legal status, labelling, and protection: the case of Iraqi “refugees” in Jordan’, *International Journal of Refugee Law*, 2013, viewed 7 March 2014, <http://ijrl.oxfordjournals.org/content/early/2013/03/13/ijrl.eet001.abstractN2>.

¹² J Stratton & S McCann, ‘Staring into the abyss: confronting the absence of decency in Australian refugee law and policy development’, *MOTS PLURIELS*, no. 21, May 2002, viewed 5 March 2014, <http://www.arts.uwa.edu.au/MotsPluriels/MP2102jssmc.html>.

legitimacy of those classified under its definition. More importantly, it allows debates to centre on whether the definition of ‘refugee’ is too broad and thus allows citizens and governments alike to criticise the scope and necessity of humanitarian assistance. The use of various other terms, such as ‘asylum seeker’, ‘displaced person’ and ‘illegal immigrant’, in both Australian and international immigration discourses simply highlights the confusion, complexity and somewhat ambiguous nature of the definition itself.

The refugee policies of successive Australian governments have largely relied on exploiting the subtle differences between these definitions and categories. Discourse on refugees centres largely on the supposed criminality and deviance of those seeking asylum, with border crossing expressed as ‘criminal’, ‘unauthorised’ or ‘illegal’.¹³ The framing of refugee movements in such a manner has enabled a rhetoric of exclusion, where the act of seeking asylum and refuge is seen to be incompatible with national sovereignty. Refugees, particularly those of colour, are ‘one of the [most] easily available scapegoats’¹⁴ and present governments with the perfect political tool to create fear and in doing so help to maintain control.¹⁵

Notwithstanding the immense nature of the development of the term ‘refugee’ and the historical background of refugees in the international context, this chapter attempts to provide a theoretical background to the international development and subsequent popularisation of the term. Through an examination of international laws and refugee policies, this chapter will seek to answer the question: who is a refugee? More specifically, it endeavours to understand the rights and obligations afforded to those who fit the definition of ‘refugee’ under international law as despite the longevity of its relevance, the term has often been applied ambiguously and without a true understanding of both the protection and limitations that its definition affords.

¹³ A Datta, *Refugees and border in South Asia: the great exodus of 1971*, Routledge, London, 2013, p. 180; Dauvergne, *Making people illegal*, pp. 51–54; Z Anderson, ‘Borders, babies, and “good refugees”’: Australian representations of “illegal” immigration’, *Journal of Australian Studies*, vol. 36, no. 4, 1979, pp. 502–04; D Bacon, *Illegal people: how globalization creates migration and criminalises immigrants*, Beacon Press, Boston, 2008.

¹⁴ C Critcher, S Hall, T Jefferson, J Clarke & B Roberts (eds), *Policing the crisis: mugging, the state and law and order*, Macmillan Press, London, 1978, p. 50.

¹⁵ C Robin, *Fear: the history of a political idea*, Oxford University Press, Oxford, 2004; G Rubin, *Freedom and order: how democratic governments restrict civil liberties after terrorist attacks – and why sometimes they don’t*, Lexington Books, Lanham, MD, 2011; F Furedi, ‘Fear and security: a vulnerability-led policy response’, *Social Policy and Administration*, vol. 42, no. 6, 2008, pp. 645–61. The use of fear as an instrument of political rule and governance is well documented.

Thus, through an examination of the various treaties and conventions developed specifically in response to these movements, this chapter will explore the framing of refugee movements as a global ‘problem’ and will attempt to discern the reasons for its continued relevance.

The concept of seeking asylum and sanctuary outside the confines of a person’s country of residence originates from the early Greeks and ancient Egyptians. Legitimised around 600 AD, the right to seek asylum in a church or other holy place was codified in law by King Ethelbert of Kent in Anglo-Saxon England.¹⁶ This reveals that the practice of seeking asylum and the experience of mass displacement is not confined to contemporary world history and migration discourses. Rather, mass displacement and the right to seek asylum stem from the earliest records of human experience.¹⁷ It can therefore be acknowledged that the concept of a refugee existed long before the term itself became commonplace internationally.

The development of the term ‘refugee’ and the historical background of refugees in the international context is immense. Nonetheless, this chapter attempts to provide a theoretical background to the international development and subsequent popularisation of the term. Moreover, through an examination of international laws and refugee policies, this chapter will seek to answer the question: who is a refugee? In addition, this chapter endeavours to understand the rights and obligations afforded to those who fit the definition of ‘refugee’ under international law. Despite the longevity of its relevance, the term has often been applied ambiguously and without a true understanding of both the protection and limitations that its definition affords.

Contemporary narratives of refugee movements frame mass displacement as a significant and increasing global problem.¹⁸ For example, the displacement of thousands fleeing the 2011 Libyan Civil War saw refugees recast as a crisis for the European Union.¹⁹ In particular, Libya’s proximity to the Italian coastline fuelled fears of an imminent immigrant influx in Italy. In framing refugee migration as problematic, the then Italian foreign minister, Franco Frattini, urged Italian citizens

to remain vigilant, warning that ‘no Italian should underestimate’ the impending ‘Biblical exodus’ of refugees from Africa.²⁰

Through an examination of the various treaties and conventions developed specifically in response to these movements, this chapter will endeavour to explore the framing of refugee movements as a global ‘problem’ and will attempt to discern the reasons for its continued relevance.

4.2 A Historical Context

The movement of mass groups of people from one area to another has occurred throughout history. In 1685, 200 000 Huguenots (French Protestants) fled France after the revocation of the Edict of Nantes, which was a proclamation that tolerated religious minorities under Catholic rule. Following the revocation and with Protestantism effectively outlawed, harsh punishments existed for those who attempted to escape. Despite this threat, almost one fifth of all Huguenots managed to flee France into the Netherlands, Switzerland, England, Germany, Denmark and the United States.²¹ Similarly, during the French Revolution in 1789, many of the French aristocracy who stood against the egalitarian ideal of the Revolution fled to nearby Austria and Prussia, seeking asylum and refuge from certain death at home.²²

These early movements of internally displaced persons were largely unregulated. As the concept of ‘nation states’ had yet to be developed, borders remained largely open for those persons fearful of their situation at home. So while the concept of seeking asylum and sanctuary existed, there were no international implications or policies that dealt with these migration flows. Instead, each nation reacted to these ‘migrations’ in its own way and on a largely ad hoc basis.²³

²¹ RM Golden, ‘Introduction’, in RM Golden (ed.), *The Huguenot connection: the Edict of Nantes, its revocation, and early French migration to South Carolina*, Kluwer Academic Publishers, Dordrecht, South Africa, 1988, p. 1.

²² L Hunt, TR Martin, BG Smith, BH Rosenwein & R Po-chia Hsia, *The making of the West: peoples and cultures, volume II: since 1500*, Bedford St Martins, Boston, 2008, p. 598.

²³ MR Marrus, ‘Introduction’, in AC Bramwell (ed.), *Refugees in the age of total war*, Unwin Hyman, London, 1998, p. 1.

The emergence of a public sphere and an integrated world economy in the eighteenth century saw the first formation of national boundaries. As society became increasingly connected through practices of trade and commerce, individual states became more concerned with the practices and policies of their own governments. The idea that a person could and should identify with one's own country also began to permeate society.²⁴ As the concept of state loyalty became increasingly relevant, movement across borders became more regulated. Individuals seeking to cross state borders were subjected to greater scrutiny and were increasingly required to provide identification of their citizenship and nationality. It was this conceptual development of nation states and subsequently the doctrine of nationalism that led to the first classifications of stateless persons.²⁵

The events of the twentieth century saw a huge period of global movement and upheaval. Political developments in the Ottoman Empire and the aftermath of the First Balkan War (1912–13) saw the displacement of over 1 million people from a wide range of ethnic and religious communities within the region.²⁶ Between 1917 and 1921 the Russian Revolution and subsequent civil war likewise caused the mass exodus of over 1.5 million people from Russia.²⁷ Similarly, it is estimated that over 1 million Armenians fled Turkey between 1915 and 1923 to escape persecution and genocide.²⁸ The lead up to and hostilities of the Second World War, particularly the persecution of Jews in Nazi Germany, saw the pre-emptive movement of 350 000 Jews from Germany, Austria and Czechoslovakia.²⁹ These sudden mass movements of people displaced from their own countries due to war and political persecution highlighted the need for an international agreement that would protect and oversee these forced migrations.

While the movement of displaced persons between nations had occurred since the seventeenth century—particularly as ethnic, religious and political tensions between

²⁴ J Breuilly, *Nationalism and the state*, 2nd edn, Manchester University Press, Manchester, 1982, p. 2; E Gellner, *Thought and change*, Nature of Human Society Series, Weidenfeld and Nicolson, London, 1964, pp. 147–78.

²⁵ E Kedourie, *Nationalism*, Hutchinson, London, 1979, pp. 9–19.

²⁶ EJ Zürcher, *Turkey: a modern history*, IB Tauris, London, 2007, pp. 17–20.

²⁷ D Joly & C Nettleton, *Refugees in Europe*, Russel Press, Nottingham, 1990, p. 6.

²⁸ R Hovannisian (ed.) *The Armenian genocide: cultural and ethical legacies*, Transaction Publishers, New Jersey, 2008, pp. 326–29.

²⁹ T Kushner & K Knox, *Refugees in an age of genocide*, Frank Cass, London, 1999, p. 126.

regions began to surface—the concept of refugees as a group distinct from ordinary migration was not firmly established until much later. In fact, it was not until the mid-twentieth century when the changes in the social, political and economic conditions of the world forced states to rethink their laissez faire approach to mass migration that refugees became a concern for the international community. The huge increase in movement of people between countries made it mandatory for individual nations to abandon their old practices of allowing free passage and to seek the development of a global solution.³⁰ Consequently, an international agreement on humanitarian grounds was explored, which marked the early formation of the international refugee system.³¹

While this thesis concerns itself primarily with the treatment of refugees under Australian immigration policy, an understanding of the development and impact of refugees in the international context is crucial. The impact of globalisation has allowed state borders, in some ways, to become more permeable. Immigration between nation states has increased significantly. However, these migration movements are largely one directional. Immigration occurs freely for migrants who display a net benefit to the state in which they wish to reside. In contrast, individuals unable to demonstrate this ‘benefit’ and those seeking asylum are increasingly neglected, forgotten and denied entry.

An increasingly globalised world has also contributed to growing inequity between states. While the Western world has enjoyed a period of unparalleled growth and prosperity, developing nations are largely ensconced in a spiral of economic and political instability.³² The continued growth in global inequity has led to an increase in the numbers of displaced persons. As wealthy states are unwilling to relinquish their economic and political power, the increase in refugee numbers around the

³⁰ JC Hathaway, ‘The evolution of refugee status in international law: 1920–1950’, *International and Comparative Law Quarterly*, vol. 33, no. 2, 1984.

³¹ UNHCR, ‘The state of the world’s refugees – fifty years of the humanitarian action’, 2000, viewed 9 July 2013, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=state+of+the+world%27s+refugees&x=0&y=019>, p. 19.

³² J Mazur, ‘Labor’s New Internationalism’, *Foreign Affairs*, vol. 1, Jan–Feb, 2000, pp. 82–85.

world has coincided with a similar growth in international apathy towards cooperation and humanitarianism.³³

The impact of globalisation also means that Australia's geographic isolation, as a nation surrounded by ocean, no longer renders it relatively immune³⁴ from international refugee flows.³⁵ As a signatory to the 1951 Convention relating to the Status of Refugees and 1967 Protocol, Australia recognises (at least theoretically) that refugees and persons seeking asylum have the right to enter its borders to seek sanctuary from instability and displacement. However, the increasing portrayal of refugees by wealthy Western states as an international problem has allowed successive Australian governments to circumvent international guidelines and has effectively facilitated the tightening of migration and Australian border controls.

For this thesis to accurately assess Australian government policies in regards to refugees, a thorough understanding of the legal rights of persons seeking asylum within Australian borders and the legal obligations of both the international agents and the Australian Government itself must be developed. Without an understanding of international patterns of migration and displacement, and the international development and recognition of the term 'refugee', it is impossible to discern the complexity, development and continued relevance of the refugee 'problem' in Australia. Moreover, before the formation of the exclusionary refugee policy in Australia is explored, it is imperative that the international context is understood. The concepts, definitions and frameworks used by the international community need to be deconstructed to provide a true narrative of the refugee paradigm.

³³ AH Richmond, 'Globalization: implications for immigrants and refugees', *Ethnic and Racial studies*, vol. 25, no. 5, 2010, pp. 717–22.

³⁴ As a geographically isolated nation, Australia has traditionally considered itself to be relatively immune from the refugee flows that plague Europe. Moreover, in comparison with other Western nations, Australia has far fewer refugees than other countries. See: Refugee Action Coalition, 'Refugee fact sheet', March 2012, viewed 7 March 2014, www.refugeeaction.org.au.

³⁵ Richmond, *Ethnic and Racial studies*, pp. 712–15; F Brennan, 'Developing just refugee policies in Australia: local, national and international concerns', lecture delivered at the Southern Highlands Rural Australians for Refugees Public Meeting, 25 August, no year, Bowral, NSW, viewed 15 April 2014, <http://www.safecom.org.au/brennan.htm>.

4.3 Who is a Refugee? Definitions and Distinctions in International Law

The concept of seeking asylum and sanctuary outside the confines of a person's country of residence originates from the early Greeks and ancient Egyptians. Legitimised around 600 AD, the right to seek asylum in a church or other holy place was codified in law by King Ethelbert of Kent in Anglo-Saxon England.³⁶ This reveals that the practice of seeking asylum and the experience of mass displacement is not confined to contemporary world history and migration discourses. Rather, mass displacement and the right to seek asylum stem from the earliest records of human experience.³⁷ In this sense, it can be argued that the idea of a 'refugee' has existed almost as long as human civilisation itself.

Nonetheless, the idea of a distinct category of immigrants was first advanced by a group of international pacifists³⁸ in the early twentieth century as a way to classify the mass movement of people forcibly displaced from their native homelands. In particular, the term 'refugee' developed as a direct response to the large number of people fleeing Eastern Europe in the aftermath of the Second World War.³⁹ The development of an internationally accepted definition sought to provide a legal framework that would identify and protect the rights and freedoms of those displaced by war, political unrest and social upheaval.⁴⁰

Despite the development of specific terminology to describe those displaced, the mass movement of refugees around the world was perceived by global leaders to be a temporary problem. Refugee movements were linked directly to the catastrophic events of both world wars and it was largely thought that the end of the Second

³⁶ CT Nadeau, *The efficacy of pre-departure cultural orientation as a social work intervention in acculturation*, PhD thesis, Catholic University of America, Ann Arbor, Washington, DC 2008, p. 17.

³⁷ P Marfleet, 'Forgotten by history: refugees, historians and museums in Britain', in K Goodnow, J Lohman & P Marfleet, *Museums, the media, and refugees: stories of crisis, control and compassion*, Museum of London and Berghahn Books, New York, 2008, pp. 17–30.

³⁸ HR Winkler, 'The development of the League of Nations idea in Great Britain, 1914–1919', *The Journal of Modern History*, vol. 20, no. 2, 1948, pp. 95–112.

³⁹ MJ Proudfoot, *European refugees 1939–52: a study in forced population movement*, Northwestern University Press, Evanston, IL, 1956, pp. 21–25.

⁴⁰ A Grahl-Madsen, 'The European tradition of asylum and the development of refugee law', *Journal of Peace Research*, vol. 3, 1966, pp. 282–85; K Jastram & M Achiron, 'Refugee protection: a guide to international refugee law', Inter-Parliamentary Union with the Office of the United Nations High Commissioner for Refugees, 2001, viewed 14 April 2014, http://www.ipu.org/pdf/publications/refugee_en.pdf, pp. 8–25.

World War would herald a dramatic decrease in the number of refugees in the years to follow.⁴¹

However, mass displacement has increasingly become a global phenomenon. Rather than a decrease in the number of people seeking sanctuary and asylum since the Second World War, the past sixty years have seen a huge increase in the number of persons forcibly displaced. A report on global refugee trends commissioned by the Office of the United Nations High Commissioner for Refugees (UNHCR) showed that in 2010 there were a staggering 43.7 million people displaced worldwide. This is a drastic increase from the 2.1 million refugees that existed at the time the UNHCR was created and established in 1950 to deal with these movements.⁴² Ultimately, this demonstrates that rather than the refugee problem lessening, it continues to be a significant and growing international problem that requires urgent attention.

4.3.1 Forced Migration and Types of Displacement

In order to differentiate between the reasons for migration movements, refugee discourse uses the term ‘forced migration’ to describe the movement of displaced persons from their native homeland. An understanding of the term is therefore crucial if we are to discern the factors that cause displacement. While no single agreed definition of the term ‘forced migration’ exists, the International Association for the Study of Forced Migration (IASFM) describes it as ‘the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development projects.’⁴³ This definition provides the basic parameters within which we are able to differentiate between forced migration and wider migration movements.

⁴¹ B Reinalda, *Routledge history of international organizations: from 1815 to the present day*, Routledge, Abingdon, Oxon, 2009, p. 350.

⁴² G Clancy, *The people smugglers*, Sunda Publications, Gordon, NSW, 2002, p. 39; UNHCR, ‘World refugee day: UNHCR report finds 80 per cent of world’s refugees in developing countries’, 2011, viewed 12 November 2012, <http://www.unhcr.org/4dfb66ef9.html>.

⁴³ Forced Migration Online, ‘What is forced migration?’, viewed 11 February 2013, <http://www.forcedmigration.org/about-us.html>; S Castles, ‘Towards a sociology of forced migration and social transformation’, *Sociology*, vol. 37, no. 13, 2003, pp. 17–21; WH Moore & SM Shellman, ‘Fear of persecution: forced migration, 1952–1995’, *Journal of Conflict Resolution*, vol. 48, no. 5, 2004, pp. 723–45.

To fully understand the concept of forced migration it is important to distinguish between the three main types of displacement:

- (1) Conflict-induced displacement where state authorities are either unable or unwilling to protect people forced to flee armed conflict, generalised violence or persecution.
- (2) Development-induced displacement where people are forced to move as a result of infrastructure projects, urban clearance, or mining and deforestation.
- (3) Disaster-induced displacement, including both natural and human-made disasters.⁴⁴

With the causes of displacement clearly defined, the definition of forced migration can then be applied in refugee discourses to determine which persons can be classified under its definition.

4.3.2 Displaced Persons and Internally Displaced Persons

The term ‘displaced person’ is used frequently in discourses surrounding forced migration and mass migration movements. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) the act of displacement refers to ‘the forced movement of people from their locality or environment and occupational activities.’⁴⁵ Therefore, a ‘displaced person’ can be defined as an individual who, due to the phenomenon of forced migration, has been compelled to leave his or her state or native place of residence.

However, displacement does not only occur between state borders. Displacement can also occur within the boundaries of an individual’s native state. Therefore a distinction needs to be made between those displaced outside of their state and those displaced within their state borders. It is this distinction that necessitates the separate definition of an ‘internally displaced person’.

⁴⁴ FMO, ‘What is forced migration?’; A South, ‘Conflict and displacement in Burma/Myanmar’, in M Skidmore & T Wilson (eds), *Myanmar: the state, community and the environment*, ANU E Press, Canberra, 2007, pp. 56–57; A Betts, *Forced migration and global politics*, Wiley-Blackwell, Chichester, 2009, pp. 154–58.

⁴⁵ UNESCO, ‘Displaced person/displacement’, 2012, viewed 9 December 2012, <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/displaced-person-displacement/>.

'Internally displaced persons' (IDPs) are considered to be the most significant group of forced migrants and one of the most vulnerable groups of people in the world.⁴⁶ *Internally displaced persons* are defined as 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters and who have not crossed an internationally recognized state border.'⁴⁷ It is important to note that the definition of an IDP is thus characterised by two main elements: (1) the coercive or *involuntary* character of movement; and (2) the fact that such movement takes place *within national borders*.⁴⁸

4.3.3 Asylum and Refuge

While displacement describes the process of movement, 'asylum' describes the process of seeking refuge and sanctuary. The act of 'seeking asylum' is therefore a crucial component of refugee discourse. Defined as 'the protection which a State grants on its territory, or in some other place under the control of certain of its organs, to a person who comes to seek it'⁴⁹, the act of seeking asylum can broadly be described as the short-term status under which a displaced person is allowed to stay in a safe country until he or she may return to his or her home without fear of persecution for the reasons of race, religion, nationality, membership of a particular social group or adherence to particular political opinion. In addition to this definition, it is important to understand that the act of seeking asylum is a temporary rather than a permanent solution for refugees.⁵⁰

The definition of 'refuge' differs from the definition of 'asylum'. In international immigration discourse, *refuge* is described as the provision of temporary sanctuary to an individual either temporarily or provisionally while pending admission for

⁴⁶ UNHCR, 'Internally displaced people', viewed 9 December 2012, <http://www.unhcr.org/pages/49c3646c146.html>.

⁴⁷ W Kalin, 'Guiding principles on internal displacement – annotations', *Studies in Transnational Legal Policy*, vol. 38, 2008, p. 18; J Bennett, 'Rights and borders', *Forced Migration Review*, vol. 33, no. 4, 1999, p. 1, viewed 27 February 2014, <http://www.fmreview.org>.

⁴⁸ *ibid.*

⁴⁹ Institut de Droit International, 'L'asile en droit international public (a l'exclusion de l'asile neuter)', 43-II, *Annuaire de l'Institut de Droit International* (1950), p. 375, cited in R Vark, 'Diplomatic asylum: theory, practice and the case of Julian Assange', *Sisekaitseakadeemia Toimetised*, vol. 11, p. 241, viewed, 14 March 2014, <http://riksweb.sisekaitse.ee/index.asp?action=102&tid=55188>.

⁵⁰ H Adelman & CM Lanphier (eds), *Refuge or asylum: a choice for Canada*, York Lanes Press, Toronto, 1990, pp. 1 & 12.

resettlement in a third country. Seeking 'refuge' differs from the act of 'asylum' as 'refuge' is granted by the state, while 'asylum' is sought by an individual. The term 'refuge' is also used to describe sanctuary provided to individuals who do not qualify as a 'refugee' under the 1951 Convention or 1967 Protocol.⁵¹

4.3.4 Asylum Seeker and Refugee

The term 'asylum seeker' is often used interchangeably with the term 'refugee'. While these terms are similar in many respects, they have distinct differences that need to be outlined. The UNHCR defines *asylum seekers* as 'persons who have applied for asylum or refugee status, but who have not yet received a final decision on their application.'⁵² Essentially, this defines an asylum seeker as a person who is seeking, or has applied for, protection as a refugee and who is waiting to have either his or her claim assessed or his or her status under the 1951 Convention determined.

A *refugee* as defined by the 1951 Convention relating to the Status of Refugees is a person who:

Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.⁵³

To summarise the Convention's definition, refugees are citizens who have been forced to leave their state due to political persecution or a denial of basic human rights. When governments remove basic human rights from its citizens, these individuals have no choice but to seek international protection in other states. The 1951 Convention defines both when an individual becomes a refugee and when that status ceases, but the definition can be open to interpretation.

⁵¹ Adelman & Lanphier (eds), *Refuge or asylum*, p. 1.

⁵² UNHCR, 'Asylum seeker', UNHCR Statistical Online Population Database: Sources, Methods and Data Considerations, 2012, viewed 15 May 2012, http://www.unhcr.org/45c06c662.html#DEFINITIONS_AND_SCOPE.

⁵³ Clancy, *The people smugglers*, pp. 3–40.

There are some problems with the definition of a ‘refugee’ as outlined in the Convention and its subsequent Protocol.⁵⁴ The definition of a ‘well-founded fear of being persecuted’ is not only inherently objective, but can be easily manipulated. For example, only 30% of refugees from El Salvador would have met the definition of a refugee in this strict sense. The vast majority were not necessarily in ‘fear of being persecuted’, but were fleeing general violence and the destructive consequences of war.⁵⁵ Similarly, the standard definition as outlined in the 1951 Refugee Convention excluded Palestinian refugees on their classification as ‘*sui generis*’ to the Arab States. Moreover, while most refugees seek asylum away from their native state or nation, the Palestinians ‘insisted on the “right of return” to their former homes in Israel.’⁵⁶

4.4 The Development of an International System of Protection

As mentioned earlier in this chapter, the events and conflicts of the twentieth century saw a huge increase in the number of people seeking sanctuary and asylum outside their own national borders. While political and economic developments in the late nineteenth century had given individual states the power to accept or expel refugees, the events of both the First and Second World wars and the mass exodus of displaced persons from Europe demonstrated a need for global cooperation and an international system of protection for refugees. For example, the Second World War left over 40 million people stateless⁵⁷ and mass migrations, including the exchange of around ‘15 million refugees’ between India and Pakistan,⁵⁸ acted as a catalyst for the development of modern refugee policy.

Moreover, the events of the Second World War, particularly in Nazi Germany, forced the international community to act to develop a code for human conduct. The treatment and gross injustices perpetrated by Nazi Germany towards the Jewish people, and those with Jewish heritage, provided a defining moment in human history. A collective need to avoid the repetition of such atrocities spurred the

⁵⁴ An excellent discussion of these problems is provided in JC Hathaway, *The law of refugee status*, Butterworths, Toronto, pp. 65–97.

⁵⁵ IC Jackson, *The refugee concept in group situations*, Martinus Nijhoff Publishers, The Hague, Boston, 1999, pp. 395–96.

⁵⁶ D Peretz, ‘Who is a refugee?’, *Palestine-Israel Journal of Politics, Economics and Culture*, vol. 2, no. 4, 1995, viewed 17 April 2014, <http://www.pij.org/details.php?id=592>.

⁵⁷ Neumann, *Refugee Australia*, p. 19.

⁵⁸ D Held, D Goldblatt & J Perraton, *Global transformations: politics economics and culture*, p. 297.

development of an international moral consciousness and the desire for the creation of universal human rights. It was from this international consensus that the idea of an international system to protect these persons developed.⁵⁹

4.4.1 The League of Nations

The most significant step towards the development of an international agreement on displaced persons was the development of an intergovernmental organisation—the League of Nations (LN). The mass movement of people displaced by the events of the First World War demonstrated that issues of displacement had become a global concern.⁶⁰ Subsequently, discussions during the Paris Peace Conference in 1919 heralded the first milestone in the development of an international policy on displaced and stateless persons. While its development mainly centred on the desire to maintain world peace, it also outlined a vision for international cooperation in dealing with humanitarian issues.

Humanitarian issues and the notion that displaced persons required protection beyond the relevant laws of their home state were cautiously explored by the League of Nations. Article 14 of the Covenant of the League of Nations suggested the formation of a ‘Permanent Court of International Justice’⁶¹ to resolve disputes of global concern. The scope of the LN was also extended to include the maintenance of fair and human conditions; the just treatment of native inhabitants and prisoners of war; and the protection of minorities in Europe.⁶² The LN had no legislative power to deal with displaced persons specifically, but it did establish the first idea of an international protection system that would allow states to cooperate with one another in order to deal with mass migrations and wartime displacement. However, despite

⁵⁹ P Ruddock, ‘An international approach to combating people smuggling and the illegal movement of people’, speech at the European Union International Meeting on ‘The Struggle against Illegal Immigration’, Paris, 20 July 2000.

⁶⁰ G Koldo, *Century of war: politics, conflicts, and society since 1914*, New Press, New York, 1994, p. 105.

⁶¹ Avalon Project, ‘Avalon project – the covenant of the League of Nations’, 2012, viewed 12 November 2012, http://avalon.law.yale.edu/20th_century/leagcov.asp.

⁶² ‘Avalon project – The covenant of the League of Nations’; H Rosting, ‘Protection of minorities by the League of Nations’, *The American Journal of International Law*, vol. 14, no. 4, October 1923, pp. 641–660.

its idealistic notions, the LN was largely unequipped to deal with the huge numbers of refugees caused by the considerable upheavals during this period.⁶³

4.4.2 The High Commissioner for Refugees

Despite the existence and formation of the League of Nations, in the early twentieth century, emergency relief to those displaced by war and civil unrest was largely provided by various charitable organisations⁶⁴; however:

Resources were becoming exhausted, and there was no central co-ordinating body. In these circumstances the Joint Committee of the International Committee of the Red Cross and the League of Red Cross Societies called a conference of the principal organizations concerned on 16 February 1921, at which it was decided to invite the Council to appoint a High Commissioner to define the status of refugees, to secure their repatriation or their employment outside Russia, and to co-ordinate measures for their assistance.⁶⁵

Consequently, a proposal to appoint a High Commissioner specifically to deal with refugees was received by the Council of the LN and, after consideration, resulted in the appointment of Dr Fridtjof Nansen as the High Commissioner for Refugees (HCR) in 1921.⁶⁶

While the appointment of Dr Nansen as HCR was significant, it must be noted that the HCR was established as a temporary measure to deal with the problem created by the large number of refugees fleeing Russia following the Russian Revolution of 1917.⁶⁷ Indeed, despite the huge numbers of displaced persons during this period, the refugee problem was largely seen by the LN to be temporary and specific. As a

⁶³ SF Martin, 'Rethinking the international refugee regime in light of human rights and the global common good', in D Hollenbach (ed.), *Driven from home: protecting the rights of forced migrants*, Georgetown University Press, Washington, DC, 2010, pp. 19–21; W Veryha, 'The League of Nations: its problems and causes of failure', *Ukrainian Quarterly*, vol. 47, no. 3, 1991, pp. 287–304; M Smith, 'The League of Nations and international politics', *British Journal of International Studies*, vol. 2, no. 3, 1976, pp. 165–93.

⁶⁴ G Jaeger, 'On the history of the international protection of refugees', *International Review of the Red Cross*, vol. 83, no. 843, September 2001, pp. 727–28; L Ziring, R Riggs & J Plano, *The United Nations. International organization and world politics*, Harcourt Brace, Orlando, 2000, p. 370.

⁶⁵ JH Simpson, *The refugee problem*, Oxford University Press, London, 1939, cited in G Jaeger, *International Review of the Red Cross*, pp. 727–28.

⁶⁶ *ibid.*

⁶⁷ Joly & Nettleton, *Refugees in Europe*, p. 6.

result, the establishment of a long-term scope for the HCR was neither suggested nor explored.

The success of the HCR at this early stage was also marred by the absence of support from the two leading world powers—the United States (US) and the Union of Soviet Socialist Republics (USSR). However, despite this and the narrow scope of its vision, the establishment of the HCR was important as it signified the first recognition of refugee movements as an issue of global significance.

4.4.3 The Nansen International Office for Refugees and the Intergovernmental Committee on Refugees

The next major development in the establishment of an international refugee policy occurred after the Second World War. The aftermath of the war highlighted the pressing need for a more durable and effective solution to the refugee problem. The sheer number of refugees requiring assistance was on a scale that the world had never seen before. Persecutions in Nazi Germany had left thousands of people without state protection in the Saar, Austria and Czechoslovakia.⁶⁸ Later, the surrender of Germany saw over 6 million refugees requiring assistance to repatriate or resettle.⁶⁹ The sheer magnitude of the refugee problem was therefore far beyond the scope and imagination of those involved in the founding of the HCR. Consequently, and in an attempt to deal with the huge increase in refugee numbers, various changes and developments were made to improve international cooperation and coordination.

The first office to succeed the HCR was the Nansen International Office for Refugees.⁷⁰ Established in 1930, the Office was created to continue the responsibilities and work of Nansen before his death.⁷¹ However, the Nansen Office was soon replaced by an organisation that operated independent of the LN—the Intergovernmental Committee on Refugees (ICR).⁷² The focus of the ICR was

⁶⁸ Ziring, Riggs & Plano, *The United Nations*, p. 370.

⁶⁹ *ibid.*

⁷⁰ C Lewis, *UNHCR and international refugee law: from treaties to innovation*, Routledge, London, 2012, p. 3.

⁷¹ *ibid.*

⁷² 'Intergovernmental Committee on Refugees', *International Organization*, vol. 1, 1947, pp. 144–45, viewed 17 March 2014, http://journals.cambridge.org/article_S0020818300006780.

specifically groups or categories of people in need of protection, such as Russian refugees who no longer enjoyed the protection of the government of the USSR.⁷³

4.4.4 The International Refugee Organization

Eight years later, in 1946, the Economic and Social Council of the United Nations (ECOSOC) established the International Refugee Organization (IRO)⁷⁴ as a comprehensive international body to deal with refugee issues.⁷⁵ The IRO took over the responsibilities of previous committees and offices by providing supplies and living spaces for refugees and by establishing a resettlement program. As a field agency of the United Nations (UN), which had been established in 1945, it worked with volunteers and local authorities from various countries throughout the world.⁷⁶ Eighteen countries acceded to membership of the IRO: Australia, Belgium, Canada, China, Denmark, the Dominican Republic, France, Guatemala, Iceland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Switzerland, the United Kingdom, the United States and Venezuela.⁷⁷

The system of categories or groups of people to be protected continued to be used in the IRO. Thus, ‘refugees’ included victims of the Fascist, Nazi or Quisling regimes, and certain persons of Jewish origin, among others.⁷⁸ Later, as such categories became problematic, the IRO became the first international body to adopt individualised criteria in determining refugee eligibility.⁷⁹ During its lifetime the IRO assisted well over 1.6 million refugees in the Americas, Africa, Asia and Europe at a cost of almost \$400 million. Nearly 73 000 refugees were repatriated and over 1 million were resettled abroad. However, ‘it was realized quite soon that this was an

⁷³ Goodwin-Gill, *The refugee in international law*, p. 4.

⁷⁴ For a comprehensive account see: LW Holborn, *The International Refugee Organization: a specialized agency of the United Nations: its history and work, 1946–1952*, Oxford University Press, London, 1956.

⁷⁵ BS Chimni (ed.), *International refugee law: a reader*, Sage Publications, New Delhi, 2000, pp. 210–11.

⁷⁶ *ibid.*

⁷⁷ G Melander, ‘International Refugee Organization (IRO)’, *Max Planck encyclopedia of public international law*, Oxford Public International Law, Oxford University Press, 2013, viewed 3 January 2014, <http://opil.ouplaw.com>.

⁷⁸ P Ahluwalia, ‘Ethical origins of refugee rights and humanitarian law’, in SP Basu, *The fleeing people of South Asia: selections from refugee watch*, Anthem Press, Delhi, 2008, p. 5; Holborn, *The International Refugee Organization*, pp. 209–12; Goodwin-Gill, *The Refugee in International Law*, p. 4.

⁷⁹ Loescher, *Beyond charity*, p. 50; K Salomon, *Refugees in the Cold War: toward a new international regime in the early postwar era*, Lund University Press, Lund, Sweden, 1991, p. 60.

inadequate stopgap' and a new body, the United Nations High Commissioner for Refugees, was formed and took over and expanded the duties of the IRO.

4.4.5 The Office of the United Nations High Commissioner for Refugees

As the UNHCR extended the duties of the IRO it became the most significant body of refugee protection in the international system. In 1951 an international treaty concerning refugees was developed. The United Nations Convention relating to the Status of Refugees provided an international framework to which citizens who were at risk of persecution in their own state could turn to for assistance. In the same year, the Office of the United Nations High Commissioner for Refugees (UNHCR) was established as the principal UN agency concerned with refugees.⁸⁰ It was established by the General Assembly to provide 'international protection' and to seek 'permanent solutions for the problem of refugees'.⁸¹

The primary purpose of the UNHCR is 'to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.'⁸² The framework for UNHCR's humanitarian activities comes from international refugee law⁸³ and the Office is entirely non-political. The latter is reflected in the Statute of the UNHCR, which states that the 'work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees.'⁸⁴

4.4.5 (i) The Mandate of the UNHCR

The High Commissioner of the UNHCR is advised regarding his or her functions by the Executive Committee (ExCom). 'The annual Conclusion[s] adopted by ExCom, [which are based on the Convention's principles] form part of the framework of the

⁸⁰ DJ Whittaker, *United Nations in the contemporary world*, Routledge, London, 1997, pp. 89–90.

⁸¹ K Jastram & M Achiron, 'Refugee protection: a guide to international refugee law', Inter-Parliamentary Union with the Office of the United Nations High Commissioner for Refugees, 2001, p. 10, viewed 17 February 2014, http://www.ipu.org/pdf/publications/refugee_en.pdf.

⁸² UNHCR, 'About us', 2012, viewed 19 March 2013, <http://www.unhcr.org/pages/49c3646c2.html>.

⁸³ *ibid.*

⁸⁴ Chimni (ed.), *International refugee law*, pp. 541 & 543.

international refugee protection regime.’⁸⁵ The ExCom approves the High Commissioner’s assistance programs, advises the High Commissioner in exercising his or her statutory functions, and scrutinises all the administrative and financial aspects of the agency.⁸⁶

The UNHCR Statute contains three areas of UNHCR competence⁸⁷:

- (1) The Statute brings in refugees covered by various earlier arrangements and treaties.
- (2) The Statute includes refugees resulting from events occurring before 1 January 1951.
- (3) The Statute extends to:

Any other person who is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence, because he has or had a well-founded fear of persecution by reasons of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.⁸⁸

Those who are able to qualify for refugee status under the UNHCR Statute are also ‘of universal application, containing neither temporal nor geographical limitations.’⁸⁹ Assistance is thus given to refugees impartially, on the basis of their need. It is given irrespective of the refugee’s religion, race, gender or political opinion. In particular, the UNHCR focuses on promoting the equal rights of women and girls and on the needs of children.⁹⁰ The only groups excluded from the UNHCR mandate are refugees falling under the mandate of other UN programs⁹¹ (such as Palestinian

⁸⁵ K Jastram, *Refugee protection: a guide to international refugee law*. Handbook for Parliamentarians No. 2, Office of the United Nations High Commissioner for Refugees and the Inter-Parliamentary Union, Geneva, 2001, p. 16.

⁸⁶ Jastram, *Refugee protection*, p. 33.

⁸⁷ Goodwin-Gill, *The refugee in international law*, pp. 7–8.

⁸⁸ Chimni (ed.), *International refugee law*. Adopted by the UN General Assembly on 14 December 1950 as Annex to Resolution 428(V).

⁸⁹ Goodwin-Gill, *The refugee in international law*, p. 8.

⁹⁰ UNHCR, ‘About us’.

⁹¹ Ziring, Riggs & Plano, *The United Nations*, p. 371.

refugees, who are covered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, or UNRWA).⁹²

4.4.5 (ii) Functions of the UNHCR

The UNHCR has functional responsibility for administering international refugee assistance and uses four approaches to do so:

- (1) The UNHCR supplies emergency relief, whereby survival necessities such as food, shelter and medical supplies are sent to the areas of need.
- (2) The UNHCR assists both individuals and large groups to voluntarily repatriate by providing help with travel or transport and subsistence.
- (3) The UNHCR assists countries with asylum reception processes. Although the level and type of assistance that can be provided is almost entirely dependent on the immigration policy of the admitting state, the UNHCR helps with the long-term processes of providing shelter for refugees and ultimately integrating them into their new community.
- (4) The UNHCR helps refugees with permanent resettlement, including helping 'refugees to help themselves towards self-sufficiency.'⁹³

In order to help find permanent solutions for the problems associated with mass refugee flows, the UNHCR provides international protection 'by promoting the adoption and supervising the application of international conventions and by encouraging governments to take other measures for the benefit of refugees.'⁹⁴ Essentially, the UNHCR encourages states and other institutions to establish conditions conducive to human rights protection and peaceful dispute resolution. Moreover, the UNHCR seeks to avoid the recurrence of refugee-producing situations; therefore, it endeavours to support the reintegration of refugees voluntarily repatriating to their home country.⁹⁵

⁹² Goodwin-Gill, *The refugee in international law*, p. 220.

⁹³ DJ Whittaker, *United Nations in the contemporary world*, p. 91.

⁹⁴ Ziring, Riggs & Plano, *The United Nations*, p. 371.

⁹⁵ UNHCR, 'About us'.

4.4.6 The 1951 Convention and 1967 Protocol

As mentioned in Section 3.3.5, the United Nations Convention relating to the Status of Refugees (CRSR) is an international convention that provides the definition of a refugee and sets out the rights of the individuals who are granted asylum. More importantly, it is an international framework that outlines the responsibilities of nations that grant asylum. While the Convention was initially limited to the protection of European Refugees after the Second World War, the 1967 Protocol removed the geographical and time limits of the Convention and expanded its scope.⁹⁶ The Convention then essentially provided the framework for refugee protection across all its signatory states. It is likely the world's most important document relating to the protection of refugees and asylum seekers. Each country that has ratified the Refugee Convention is obliged under international law to protect those refugees that are on its territory.

The 1951 Convention and its 1967 Protocol codify the minimum rights of those protected by its mandate. These rights are the right to education, work and social security, and to freedom of religion and political opinion.⁹⁷ The Convention and its Protocol differ from the UNHCR Statute because they include the criterion of 'membership of a particular social group' in addition to race, religion, nationality or political opinion.⁹⁸

It was recognised from the beginning that not every refugee would be covered by the Convention definition. As a result, the Conference of Plenipotentiaries therefore recommended 'that States should apply the Convention beyond its strictly contractual scope, to other refugees within their territory.'⁹⁹ This recommendation is of particular significance to this thesis and will be explored in the Australian context in future chapters.

⁹⁶ SE Davies, 'Redundant or essential? How politics shaped the outcome of the 1967 Protocol', *Oxford Journals*, 2008, viewed 5 March 2014, <http://ijrl.oxfordjournals.org/content/early/2008/02/16/ijrl.eem068.full.pdf>, p. 2; B Littlewood, 'Diversity in Europe: the case of refugees', in M Koch, L McMillan & B Peper (eds), *Diversity, standardization and social transformation: gender, ethnicity and inequality in Europe*, Ashgate, Farnham, Surrey, 2011, p. 142; UNHCR 'Convention and Protocol relating to the Status of Refugees', *Office of the United Nations High Commissioner for Refugees*, 2010, viewed 2 January 2014, <http://www.unhcr.org/3b66c2aa10.pdf>.

⁹⁷ Ziring, Riggs & Plano, *The United Nations*, p. 372.

⁹⁸ Goodwin-Gill, *The refugee in international law*, p. 19.

⁹⁹ *ibid.*

While regarded as one of the most important documents relating to the protection of refugees and asylum seekers, the Convention is often inadequate in the face of new refugees fleeing from ethnic violence and gender-based persecution. It does not create a right to enter another state and is insensitive to concerns over security—particularly terrorism. Moreover, while refugees are by definition ‘stateless’, in some circumstances they can have no right to permanent residence. Thus, refugees can remain in an insecure status or in exile indefinitely.¹⁰⁰

The terms used in the Convention—namely, ‘well-founded fear’ and ‘persecution’ are also vague. The Convention needs to deal more directly with admission and the international responsibilities of states. It should make a greater effort to strongly encourage states into accepting their international responsibilities.

4.5 Restrictive Measures and the System of Refugee Protection

4.5.1 Pre-Entry Measures

Pre-entry measures are the first opportunity for states partnered to the international refugee protection regime to shirk their responsibility of protection. Among these available measures, visa requirements for nationals of refugee-producing states have probably the most negative affect on individuals seeking asylum and refuge outside of their country of origin.¹⁰¹ In most countries around the world a visa is an entry permit issued by the government for a specified time period, usually up to three months. Visas are temporary permits allowing individuals to cross into another state’s border for a specific time period. Therefore, they are not considered as a form of immigration. However, in contemporary times, countries across the world have introduced visa requirements for nationals from ‘asylum-producing’ states.¹⁰²

¹⁰⁰ G Loescher, ‘War in Iraq: an impending refugee crisis? Uncertain risks, inadequate preparation and coordination’, *The Centre for Comparative Immigration Studies*, working paper no. 67, 2002, p. 8, viewed 17 April 2014, <http://ccis.ucsd.edu/wp-content/uploads/2012/07/wrkg67.pdf>.

¹⁰¹ G Noll, *Negotiating asylum: the EU acquis, extraterritorial protection and the common market of deflection*, Martinus Nijhoff Publishers, The Hague, 2000, p. 161.

¹⁰² M Fullerton, ‘Failing the test: Germany leads Europe in dismantling refugee protection’, *Texas International Law Journal*, vol. 36, viewed 5 March, <http://www.tilj.org/content/journal/36/num2/Fullerton232.pdf>, pp. 240–41. Fullerton provides a detailed example of the changing visa requirements in Germany. See also, MJ Gibney ‘“A thousand little Guantanos”’: Western states and measures to prevent the arrival of refugees’, in KE Tunstall, *Displacement, asylum, migration*, Oxford University Press, Oxford, 2006, pp.146–50.

Under international law, the act of seeking asylum in a safe country does not require an individual to possess a visa.¹⁰³ In fact, Article 31 of the 1951 Convention outlines that individuals shall not be restricted from movement or receive penalties by entering borders illegally (that is, without proper papers or identification), as long as ‘their life or freedom was threatened in the sense of Article 1 . . . [and] . . . provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.’¹⁰⁴ This highlights that the imposition of visa requirements on individuals claiming asylum blatantly contradicts the meaning and purpose of seeking asylum under the conditions set by the Convention.

In addition, many countries have instilled airport transit visas (ATVs) in an effort to stop the entry of asylum seekers who have entered the country via another country that did not require the person to carry a visa. The ATVs are a targeted attempt to stem the flow of a specific group of persons—namely, asylum seekers. This directly contradicts the principle of free transit. The purpose of the ATVs is to stop so called visa shopping—the act by which an asylum seeker or refugee would file applications for refuge in multiple states in order to increase their chances of acceptance.¹⁰⁵ These ATVs not only contradict the idea of free passage, but they also directly affect the possibility of those seeking asylum to be received in safe countries as many desperate refugees use ‘visa shopping’ and hold false documents as they are the only available avenues of protection left.¹⁰⁶

Another pre-entry measure employed by various countries around the world is the implementation of carrier sanctions. Carrier sanctions are fines levied on airlines and shipping companies that allow the arrival of passengers who do not carry the necessary papers. They require pre-boarding documentation checks in both the country of origin and transit, and people who lack the required documentation are prevented from disembarking and are sent back home.¹⁰⁷

¹⁰³ A Bocker, K Groenendijk, T Havinga & P Minderhoud (eds), *Regulation of migration: international experiences*, Het Spinhuis Publishers, Amsterdam, 1998, pp. 193–94.

¹⁰⁴ UN, ‘Convention relating to the Status of Refugees’, article 31(1).

¹⁰⁵ Noll, *Negotiating asylum*, pp. 167–69.

¹⁰⁶ *ibid.*, p. 169.

¹⁰⁷ UNHCR, *The state of the world’s refugees. Fifty years of humanitarian action*, Oxford University Press, Oxford, 2000, p. 191.

In many countries, those who fail to present the necessary documentation are then detained in international airports and, in some cases, are denied the right of appeal.¹⁰⁸ Similarly, penalties are imposed on those who assist or attempt to assist, persons who enter or reside in a country in a purpose that is contrary to the laws of that country.¹⁰⁹

Another measure used by states to prevent, disrupt or halt the movement of refugees and asylum seekers across international borders is through the use of interception. Interception appears in three forms: interdiction in territorial waters or on the high seas; pre-inspection at airports; and providing payment to transit countries for them to return individuals before such individuals can reach the destination country.¹¹⁰ Essentially, interception aims to create barriers for refugees and asylum seekers in search of protection.

Interception can bring about the denial of access to refugee determination procedures as those intercepted are often returned with a low level of screening or without any scrutiny at all. Moreover, refugees are sometimes denied access to screening procedures via UNHCR or Non-government organisations (NGOS), and often people lacking expertise in refugee determination procedures (such as coast guards or law enforcement officials) screen refugees instead of personnel from official agencies. Similarly, refugees may be sent to safe third countries that in reality lack an effective protection policy.¹¹¹

Furthermore, the procedural protection of refugees may be lacking in the country providing screening and protection and interception is by its very nature chaotic, which may threaten the refugee's ability to articulate his or her claim for protection. Finally, populations at risk, such as women and children, are often denied help and protection because of the use of interception measures.¹¹²

¹⁰⁸ *ibid.*

¹⁰⁹ Noll, *Negotiating asylum*, p. 179.

¹¹⁰ W Young, 'NGOs call on UNHCR Executive Committee to oppose interception', *Refugee Reports*, vol. 21, no. 5, July 2000, viewed 12 July 2013, http://www.refugees.org/world/articles/ngo_rr00_5.html.

¹¹¹ M Foster, 'Responsibility sharing or shifting?: "Safe" third countries and international Law', *Refugee*, vol. 25, no. 2, viewed 9 May 2014, pp. 64–73. <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/26032/24065>.

¹¹² Young, *Refugee Reports*.

4.5.2 Post-Entry Measures

One of the problems with respect to these restrictive measures used by asylum-giving states is the notion that seeking protection in a country with higher recognition than another state is not rational. Often labelled as ‘asylum shopping’, the idea that refugees would choose among potential host countries so to find one that is most likely to receive them, is seen to be irrational.¹¹³

The concept of ‘safe third country’ agreements is yet another way for states to circumvent international law and prevent ‘asylum shoppers’ from gaining access to their system of protection. The concept is based on the idea that ‘where a number of formal criteria indicate that the protection seeker could have sought protection in a third country through which she passed, her claim shall be rejected, and she shall be asked to turn to that country.’¹¹⁴ Therefore, rather than by personal choice, an asylum seeker’s or refugee’s host country is to be determined either by the travel route undertaken or through other allocation criteria. Refugees are essentially powerless under this system and denied the right to choose among potential host countries.

These abhorrent practices are regularly justified by the governments of host countries, such as Australia, which assert that only one single state should have the responsibility of examining and processing an application for asylum. It is important to note, however, that often the ‘grounds for refusing access to asylum procedures, tend . . . to be based on a mere *presumption* that the relevant third country will offer protection to refugees.’¹¹⁵ The impracticality of this is obvious: the presumption of protection can potentially leave refugees in limbo as the supposedly ‘safe’ third country may have stricter or different asylum application rules.

Many states carry out the practice of detaining refugee claimants for varying lengths of time. Australia has a controversial policy of mandatory detention of all unauthorised arrivals, and asylum seekers are no exception to the rule.¹¹⁶ In May 1992 for example, an amendment to the *Migration Act* by the Keating Government

¹¹³ Noll, *Negotiating asylum*, p. 182.

¹¹⁴ *ibid.*, pp. 183–84.

¹¹⁵ J Vedsted-Hansen, ‘Non-admission policies and the right to protection: refugees’ choice versus states’ exclusion’, in F Nicholson & P Twomey (eds), *Refugee rights and realities: evolving international concepts and regimes*, Cambridge University Press, Cambridge, 1999, p. 270. Emphasis in text.

¹¹⁶ UNHCR, *The state of the world’s refugees*, p. 182.

retrospectively declared all asylum seekers arriving after 19 November 1989 'designated persons', and provided the legal basis for their detention either continuously or to the sum of, 273 days.¹¹⁷

Additionally many states have sought not only to detain refugees but also to forcibly remove and expel unauthorised arrivals. Expulsion occurs when a refugee is immediately sent back to wherever they came from (be it their country of origin or a transit state) as soon as they reach the frontier of a given country. Expulsion or deportation is 'the more formal process whereby a lawfully resident alien may be required to leave a state, or be forcibly removed.'¹¹⁸

In the Australian context, this is exemplified by a number legislative changes enacted during the Hawke/Keating administrations. In 1989 for example, the Hawke government introduced draconian legislation that allowed the 'mandatory deportation' of those who sought to 'impose themselves on Australia's generosity'.¹¹⁹ Then in 1992, 'mandatory deportation' was replaced with a policy of removal that was 'an automatic consequence for each unlawful non-citizen.'¹²⁰

4.5.3 Restrictive Measures: Justification and Effects

While the number of refugees around the world has increased dramatically, the international system of refugee protection has largely responded by turning away from its commitment to protection. Increasingly states are implementing stricter admission requirements and tightening border-control processes. Hathaway states that such measures are a response to the breakdown of the political and social conditions that previously existed and helped industrialised states to assimilate refugees.¹²¹ However, while this can be blamed in part on the failure of the

¹¹⁷ *Migration Amendment Act 1992 No. 24*, (C2004A04315), <http://www.comlaw.gov.au/Details/C2004A04315>.

¹¹⁸ Goodwin-Gill, *The refugee in international law*, p. 117.

¹¹⁹ R Robert, 'Minister Ray hails start of new era in immigration', *Ministerial Document Service*, 18 December 1989, p. 4238.

¹²⁰ Parliament of the Commonwealth of Australia, *Deportation of non-citizen criminals*, Joint Standing Committee on Migration, Canberra, 1998, p. 71, viewed 14 April 2014, http://webcache.googleusercontent.com/search?q=cache:asm4XGiqr_sJ:www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees%3Furl%3Dmig/report/criminal_deportation/criminaldeportation.pdf+&cd=3&hl=en&ct=clnk&gl=au&client=firefox-a.

¹²¹ JC Hathaway (ed.), *Reconceiving international refugee law*, Martinus Mijhoff Publishers, The Hague, 1997, p. xxii.

international community to share the responsibility of protecting refugees¹²², this thesis will argue that, particularly in the Australian context, humanitarian concerns often feature far behind the political, economic and social motivations of refugee-receiving states.

Restrictive measures accomplish two main goals. Firstly, they reduce the number of claims for asylum. This directly impacts government expenditure and the time required to examine and process large numbers of applications. Secondly, restrictive measures allow states to avoid processing applications that would potentially satisfy criteria for refugee status. Essentially, restrictive measures allow states to indirectly circumvent their international obligations under international law.

The humanitarian duties of states under the Convention are therefore minimised as much as possible. Moreover, states are increasingly using sovereignty as an excuse to commit themselves to a minimum level of obligation towards refugee resettlement and protection.¹²³ Gorlick surmises that the international situation is a ‘system of international refugee protection in crisis’¹²⁴. This illustrates that the legal protection afforded to refugees is increasingly being eroded. As domestic legislation and interstate arrangements change, the legal foundation has seen a ‘pull back . . . from which effective protection rests.’¹²⁵

4.6 Border Control and the Concept of State Sovereignty

4.6.1 Sovereignty and Refugee Protection

National sovereignty can be defined as a principle ‘which reserves to each sovereign state the exclusive right to take any action it thinks fit, provided only that the action does not interfere with the rights of other states and is not prohibited by international law on that or any other ground.’¹²⁶ According to this definition, sovereign states are free, under international law, to act in any way they wish with their own nationals

¹²² Amnesty International, *Refugees: human rights have no borders*, 1997, viewed 22 May 2011, <http://www.amnesty.org/ailib/intcam/refugee/report/>.

¹²³ Bocker et al. (eds), *Regulation of migration*, p. 201.

¹²⁴ B Gorlick, ‘Human rights and refugees: enhancing protection through international human rights law’, *New Issues in Refugee Research*, Working paper no. 30, October 2000, viewed 7 July 2013, <http://www.unhcr.org>.

¹²⁵ *ibid.*

¹²⁶ P Sieghart, *The international law of human rights*, Clarendon Press, Oxford, 1983, p. 11.

and territory. This includes entering relationships with other sovereign states, using the public domain, entering into international organisations and even declaring war, although this right is limited to the use of force in self-defence.¹²⁷ Therefore, state boundaries provide the ultimate protection of state interests. Despite the existence of international law, the interference in the domestic affairs of states is considered to be unwarranted and in some cases illegal.¹²⁸

Countries with histories of immigration and refugee protection have largely favoured these restrictive and, for the most part, regressive measures as they claim to be overburdened with applications for asylum.¹²⁹ The Western world has used the concept of sovereignty largely as a mechanism to limit the protection it provides to those seeking asylum. Moreover, the concept of state sovereignty is one of the main foundations of immigration and, more specifically, refugee policy; indeed, it is considered to be ‘sacrosanct to the maintenance of state sovereignty.’¹³⁰ The concept of state sovereignty is used to support the idea that granting asylum is at the discretion of the government of a particular state rather than being bound by international law or the rights of those seeking asylum.¹³¹ In many cases, this concept of sovereignty is used to support restrictions on immigration and refugee policy. It is largely used as an excuse to restrict both ordinary migration flows and, more importantly, to deny the rights of those in search of refuge or sanctuary.

There are varying degrees of strictness in terms of the application of the concept of sovereignty in reality. At the harshest end of the spectrum it is argued that no legal or moral obligations exist for nations to accept any refugees whatsoever. This standpoint holds that states that do provide sanctuary or asylum to refugees are acting generously and in a humanitarian fashion.¹³² A key aspect of this argument is that individuals have no moral right to immigrate into states in which they are not

¹²⁷ *ibid.*

¹²⁸ International Commission on Intervention and State Sovereignty, ‘The responsibility to protect: report of the International Commission on Intervention and State Sovereignty’, *International Development Research Centre*, Ottawa, 2001, p. 31, viewed 8 March 2014, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

¹²⁹ Gorlick, *New Issues in Refugee Research*, p. 4.

¹³⁰ N Xenos, ‘Refugees: the modern political condition’, in J Shapiro & HR Alker (eds), *Challenging boundaries*, University of Minnesota Press, Minneapolis, 1996, pp. 223–46.

¹³¹ *ibid.*, p. 237.

¹³² P Singer & R Singer, ‘The ethics of refugee policy’, in M Gibney (ed.), *Open borders? Closed societies? The ethical and political issues*, Greenwood Press, New York, 1988, p. 116.

nationals.¹³³ At the other end of the spectrum a more ‘open’ version of sovereignty holds that states have an international obligation to accept refugees. This viewpoint suggests that discussions on refugee flows across international boundaries should begin from the fundamental equality of all persons. It argues that the equality of all persons is a basic moral principle and, moreover, this principle is upheld by various international conventions, treaties and arrangements.

This concept of fundamental equality stems from the belief that the interests of all parties involved in refugee flows need to be taken into account equally. However, while equal consideration of all interests must occur, when there is conflict between the interests of the parties involved, the most important or pressing interests should take precedence.¹³⁴ This essentially means that receiving states must not only consider the potential outcomes of accepting refugees in the domestic sense, but that receiving states must also take into consideration the interests and needs of the refugees themselves.

Therefore, different states within the protection regime will hold vastly different views on the concept of border control and state sovereignty and, in turn, these views will directly affect their views on immigration policy—specifically, refugee policy. In this sense, the applicability and relevance of the Convention is weakened by the power granted to states. Consequently, those seeking asylum, although theoretically protected under international law, are increasingly beholden to the power of individual nations.

4.7 Conclusion

Despite the development of an international system of refugee protection, countries are increasingly turning away from their commitments in protecting those displaced.¹³⁵ Since 1996 the Australian Government, for example, has sought to increase control over its borders. The Howard Government, in pursuing its policies of ‘border protection’, urged nearby countries, such as Indonesia and Malaysia, to

¹³³ FG Whelan, ‘Citizenship and freedom of movement. An open admission policy?’ in Gibney (ed.), *Open borders? Closed societies?*, p. 5.

¹³⁴ Singer & Singer, ‘The ethics of refugee policy’, pp. 121–24.

¹³⁵ Amnesty International, ‘Refugees: human rights have no borders’, *Amnesty International*, 1997, viewed 31 November 2013, <http://www.amnesty.org/ailib/intcam/refugee/report/>.

tighten their controls on people smuggling and on asylum seekers transiting through their territories. Later, it reached a formal agreement with Indonesia to intercept asylum seekers on their way to Australia.

Similarly, in New Zealand, asylum seekers have been confronted by an increasingly more aggressive asylum seeker policy. Despite the lack of a mandatory detention policy, since October 2001, nearly all asylum seekers have been detained at the Auckland Central Remand Prison (ACRP) or at the Mangere Reception Centre until their claims are processed.¹³⁶ Meanwhile in the United States, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (*USA Patriot Act*), introduced after September 11 2001, introduced tougher measures, including the mandatory fingerprinting of all asylum applicants, that not only demonised the terrorists targeted by the Act, but their victims as well.¹³⁷

What this demonstrates is that due largely to self-interest, states are often willing to convey an overt humanitarianism and commitment to human rights (as signatories to the various conventions described earlier), but are increasingly disinclined to accept the burden and costs of accepting refugees for resettlement. As humanitarian concerns continue to play second fiddle to nationalism, refugees are increasingly left with little control over where they can find protection from persecution.

Moving beyond the conceptual frameworks of this research, one must consider how contemporary immigration policies regarding asylum seekers and refugees in Australia are still significantly influenced by a racist ideology. Consequently, the following chapters—Chapters 5, 6 and 7—use the foundational knowledge of Chapters 2, 3 and 4 to assess immigration and asylum-seeker policies in relation to successive Australian governments.

Thus, guided by understandings of race and racism developed in Chapter 3, the following chapter focuses on the historical foundations, manifestations and legacy of

¹³⁶ Human Rights Foundation Aotearoa New Zealand, ‘“Freedom’s ramparts on the sea”: The detention of asylum seekers in New Zealand’, May 2002, viewed 24 October 2013, <http://www.refugee.org.nz/Comment/elliott.htm>.

¹³⁷ CR Novak, ‘Material support to terrorists or terrorist organizations: asylum seekers walking the relief tightrope’, *The Modern American*, Fall 2008, pp. 19–25.

the White Australia policy. In this way, it aims to chart and assess the impact of race thinking on the development of a colonial Australian identity and nationalism and seeks to discover how and why race continues to remain such an enduring concept today.

Chapter 5

Creating a ‘White Australia’

‘All white men who come to these shores – with a clean record – and who leave behind them the memory of class distinctions and the religious differences of the old world . . . are Australians . . . No nigger, no Chinaman, no lascar, no Kanaka, no purveyor of cheap, coloured labour is an Australian.’¹

It is largely accepted that race and racism played a fundamental role in the development of Australian society and identity.² As a settler-colonial society, race was the ‘organizing grammar’³ by which the British colonists were able to establish authority and control in the newly discovered territory. The erasure of Australian indigeneity was justified by racist ideology that placed ‘white’ discourses above the culture and practices of the Aboriginal people, while their dispossession and displacement was integral to the establishment of the Australian settlement.

The introduction and maintenance of the legalised exclusionist policy known as ‘White Australia’⁴ solidified Australia’s intent to marginalise and exclude those of colour from full participation in Australian society. Aboriginal Australians, already

¹ *The Bulletin*, 2 July 1887, quoted in R White, *Inventing Australia: images and identity, 1688–1980*, Allen & Unwin, Sydney, 1981, p. 81.

² In contemporary times an ongoing debate over the interpretation of Australia’s colonial history has dominated academic and political discussion. For an overview of both sides of the debate see G Blainey, ‘Drawing up a balance sheet of our history’, *Quadrant*, vol. 37, nos.7–8, July–August 1993; H Reynolds, *Why weren’t we told?*, Penguin, Camberwell, Vic, 2000; R Manne (ed.), *Whitewash. On Keith Windschuttle’s fabrication of Aboriginal history*, Black Inc Agenda, Melbourne, 2003; S Macintyre & A Clark, *The history wars*, Melbourne University Press, Carlton, 2003; Windschuttle, *The fabrication of Aboriginal history, volume one*.

³ P Wolfe, ‘Settler colonialism and the elimination of the native’, *Journal of Genocide Research*, vol. 8, no. 4, December 2006, p. 387. Wolfe uses this phrase to argue that genocide and settler colonialism typically uses race as a way to establish a hierarchical system and moreover, that settler colonialism is inherently eliminatory.

⁴ The White Australia policy and the effects of its implementation are extensively discussed in both academic literature and wider societal discourse. See J Docker & G Fischer (eds), *Race, colour and identity in Australia and New Zealand*; PG Griffiths, ‘The making of White Australia: ruling class agendas, 1876–1888’; Jupp, *From White Australia to Woomera*; Macintyre, *A concise history of Australia*; McQueen, *A new Britannia*, 2004; Willard, *History of the White Australia policy to 1920*.

regarded as a 'dying race'⁵, were removed onto segregated reserves, were prohibited from certain areas in society and were abused by 'white' settlers. Meanwhile, legislation was enacted prohibiting their miscegenation and allowing the removal of Aboriginal children from their families.⁶ In a similar fashion, a tokenistic literacy test was used as a means to exclude 'non-white' immigration, while a predominantly 'white', assimilated populace was promoted as the only pathway to a stable democratic society.⁷

In fact racism, argues McQueen, was the 'the pivot of Australian nationalism'⁸ with 'racial homogeneity and monoculturalism . . . considered to be a necessary condition of nationhood'.⁹ Consequently, racist ideology was used to exclude all potential immigrants who did not fit the British 'white' settler ideal. As Willard contended:

National self-preservation [was] the object of the policy. . . . Australians feared that non-European immigration . . . might radically alter, perhaps destroy, the British character of the community. They knew that racial unity, though not necessarily racial homogeneity, was essential for national unity, for true national life. The union of a people depends on common loyalty to common ideals . . . to preserve the unity of their national life, a people can admit emigrants from alien races only if within a reasonable time they show a willingness and a capacity to amalgamate ideally as well as racially with them . . .¹⁰

Importantly, this overt racism was couched in rhetoric that emphasised the supposed natural incompatibility of different 'races' within an egalitarian, working-class society. As Edward Davis Millen stated in the Legislative Assembly of New South

⁵ MD Jacobs, *White mother to a dark race: settler colonialism, maternalism and the removal of Indigenous children in the American West and Australia, 1880–1940*, University of Nebraska, Nebraska, 1964, p. 68.

⁶ J Purdy, 'British common law and colonised peoples: studies in Trinidad and Western Australia', in G Bird, G Martin & J Nielsen (eds), *Majah: Indigenous peoples and the law*, Federation Press, Sydney, 1996, p. 47.

⁷ C Schmitt, 'Preface to the second edition (1926): on the contradiction between parliamentarianism and democracy', in C Schmitt, *The crisis of parliamentary democracy*, MIT Press, Cambridge, 1985, p. 9.

⁸ McQueen, *A new Britannia*, 2004, pp. 30–45.

⁹ Jayasuriya, *Immigration and multiculturalism in Australia*, p. 40.

¹⁰ Willard, *History of the White Australia policy to 1920*, pp. 189–190.

Wales: 'Our objection to Asiatics . . . is not so much that they may belong to this or that race, as that we regard them as unfit to take part with us in the duties of citizenship.'¹¹ The decision to restrict 'non-white' immigration thus seemingly reflected a desire for the 'white man' to receive fair working conditions and an equitable minimum wage rather than an innate hatred of 'non-white' 'races'.¹²

Australian racism, however, was never simply based on economic rationalisations. Instead, as Jupp argues, the vast majority of the Australian Labor Party pioneers were 'rabid racists' with their fears and loathing of 'non-whites' largely 'pathological'.¹³ Indeed, Jupp's argument is exemplified by comments made in 1892 by early Labour¹⁴ leader William Lane. Lane stated that he would prefer his daughter 'dead in her coffin than kissing one of them on the mouth or nursing a little coffee-coloured brat that she was mother to.'¹⁵ Lane went on to justify his views by declaring that 'if this is a wicked thing to say, then I am one of the wicked ones, and don't want to be good either; and I'd pray daily to be kept wicked if I thought there was any chance of my ever getting to think that colour didn't matter.'¹⁶ Racist ideology and race thinking was therefore commonplace in the discourses of colonial society with the deliberate exclusion of the 'non-white' 'Other' continually justified with, and perpetrated through, social Darwinist theory.

In order to properly understand the ongoing relevance of race and racism in Australian immigration debates, an understanding of Australia's exclusionist history is necessary. Of utmost importance is the need to understand that racism is not merely a stain on Australia's historical past; instead, overt racism has been observable right until the abolition of 'White Australia' in 1973. Moreover, as race ideology and racism continue to influence and dictate Australian government policies

¹¹ ED Millen, New South Wales *Parliamentary Debates*, 1896, quoted in Willard, *History of the White Australia policy to 1920*, p. 193.

¹² J Vickers & A Isaac, *The politics of race: Canada, the United States, and Australia*, 2nd edn, University of Toronto Press, Toronto, 2012, pp. 97–99.

¹³ Jupp, *From White Australia to Woomera*, p. 8.

¹⁴ The Australian Labor Party has roots in the Labour parties founded in the 1890s prior to Federation. Established as a federal party after 1901, it officially adopted the formal name 'Australia Labour Party' in 1908. Influenced by the United States labour movement, in 1912 the party officially changed the spelling of 'Labour' to 'Labor' and became the 'Australian Labor Party'. See: B McKinlay, *The ALP: a short history of the Australian Labor Party*, Drummond/Heinemann, Richmond, Vic, 1981; Chifley Research Centre, 'Labor History: foundations 1891–1903', viewed 17 April 2014, <http://www.laborhistory.org.au/home.html#timeline/item/15/18>.

¹⁵ W Lane, *The Hummer*, April 1892, quoted in McQueen, *A new Britannia*, 2004, p. 48.

¹⁶ *ibid.*

and societal attitudes, the study of them is crucial so to understand their conceptual longevity and societal prevalence.

This chapter will focus on the White Australia policy and aims to examine the intent and extent of Australia's race history. Through an examination of early colonial racist ideology to the acceptance of multiculturalism and eventual abolition of legislated Australian racism, this chapter will assess the impact of race thinking on Australian identity and nationalism and, more importantly, will seek to uncover how and why race remains such an enduring concept in Australian society today.

5.1 Background

Although defining itself as part of the 'white brotherhoods'¹⁷, the Australian continent in the eighteenth century was initially promoted as a destination for people from all around the world.¹⁸ This seemingly multicultural attitude was not to last and soon Australia's unique geographic location, isolated from the motherland, saw British colonists declare the 'new' continent as 'a place where the English race shall be spread from sea to sea unmixed with any lower caste.'¹⁹ As colonists were eager to establish the new Australian colony as separate and distinct from Great Britain, colonial nationalism was inextricably linked to Western civility and 'white superiority'.²⁰ Relying on traditional ideas of race, the British settlers saw 'white' Caucasians as innately superior—intellectually, morally, physically and technologically. Indigenous Australians were regarded, in contrast, as innately inferior—mentally deficient, savage, regressive and weak.²¹

The implication of this racist sentiment for future immigration was a widespread, implicit understanding that 'non-whites' were incompatible with the dominant 'white' discourse. With 'whiteness' operating as the norm, it was believed that the 'coloured' 'Other' 'should only be introduced for menial tasks, should be segregated from Caucasians and should not be allowed to remain permanently, to intermarry or to

¹⁷ Macintyre, *A concise history of Australia*, p. 20.

¹⁸ *ibid.*, p. 3.

¹⁹ McQueen, *A new Britannia*, 2004, p. 31.

²⁰ Macintyre, *A concise history of Australia*, pp. 3–20; McQueen, *A new Britannia*, 2004, pp. 30–32.

²¹ Jupp, *From White Australia to Woomera*, p. 7.

enjoy the same rights as others.'²² In the same vein, cheap servile labour, particularly non-European labour, was thought to prejudice the development of a progressive democratic society and as a consequence—despite labour shortages during the 1830s and 1840s—the idea of importing indentured labourers from India and, later, the Pacific Islands, was met with immediate and hostile opposition.²³

Racist views were not only accepted, but they were actively supported and reproduced within society. Colonial Australian media discourses, for example, not only reproduced racist sentiment, but they also played a significant role in shaping Australia's restrictive immigration policies.²⁴ Popular colonial publications, such as *The Bulletin*, the *Boomerang*, *Punch*, *Queensland Figaro* and the *Illustrated Australian News*, continuously warned that 'coloured' immigration would lead to 'moral degradation and spiritual corruption' in society.²⁵ Meanwhile, early Australian poets emphasised a need 'To guard the future from exotic blight!'²⁶ and reinforced the image of a savage and lustful 'Other':

That our brown masters of the dawn
Might, aye, have fair girls for their lusts!²⁷

'Race' difference was portrayed in the media as inevitable and natural. The popular Australian magazine, *The Bulletin*, claimed that the Caucasian 'race' had, by nature, evolved at a 'higher rate' and warned that any 'climb down' to mix with 'lower types' would inevitably enervate the population.²⁸ Similarly, Victoria's *The Age* cited a so-called law of nature, which declared that in situations 'where two races whose stages of progress were different came into contact, the inferior was doomed to wither and die.'²⁹ Thus, as Meadows notes, colonial Australian media not only provided a means for racist expression, but it was in fact 'the perpetrator of virulent racism and

²² *ibid.*

²³ McQueen, *A new Britannia*, 2004, p. 32.

²⁴ M Meadows, *Voices in the wilderness: images of Aboriginal people in the Australian media*, Greenwood Press, Westport, CT, 2001, p. 41.

²⁵ T Kendall, 'Within China's orbit? China through the eyes of the Australian Parliament', Monographs and Research, Parliament of Australia, 2007, viewed 21 November 2013, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/A PF/monographs/Within_Chinas_Orbit/Chapterone.

²⁶ B O'Dowd, 'Our land', c1900, quoted in McQueen, *A new Britannia*, 2004, p. 102.

²⁷ H Lawson, 'To be amused', quoted in *ibid.*, p. 112.

²⁸ Cited in R White, *Inventing Australia*, pp. 81–82.

²⁹ Meadows, *Voices in the wilderness*, p. 41.

white supremacy'.³⁰ Indeed, similar racist views were later expressed politically through vehement opposition to the importation of 'cannibals and coolies'³¹ in colonial Queensland, while subsequent arguments claimed that Chinese immigration constituted 'an act of treason to society'.³²

The discovery of gold in the 1850s only served to heighten simmering tensions and, before long, 'contempt turned to a positive hatred'.³³ Racism was no longer simply apparent, but became increasingly overt, and soon the idea that 'degenerate', 'non-white' populations would overtake and ultimately destroy Anglo-Australian hegemony took hold. These ideas soon manifested as government policies, and restrictions were placed on various 'races' in order to maintain British exclusivity.³⁴

Media reports of the inherent incompatibility between disparate 'races'³⁵ allowed colonial society to continue to justify its discrimination and served to bolster exclusionist sentiment. Meanwhile, the federal Australian Labor Party adopted a platform that stipulated the 'total exclusion of coloured and other undesirable races' from almost all aspects of Australian society.³⁶ In later years, successive Australian governments continued to promote Australia's geographic vulnerability as justification for racial exclusion by highlighting Australia's supposed susceptibility to external aggression.³⁷ In fact, Australian racism was so successful that between 1865 and 1935 'over 80 percent of Australian immigrants were of British origin'.³⁸

Changing economic and political circumstances following the First and Second World wars forced a readjustment of colonial exclusionist policy. Australia's small population and distance from the mother country became increasingly problematic

³⁰ *ibid.*

³¹ Quoted in McQueen, *A new Britannia*, 2004, p. 32.

³² *ibid.*, p. 33.

³³ *ibid.*

³⁴ D McMaster 'White Australia to detention: restriction and racism', *MOTS PLURIELS*, no. 21, May 2002, viewed 8 April, 2014, <http://www.arts.uwa.edu.au/MotsPluriels/MP2102dm.html>.

³⁵ R Fung 'Burdens of representation, burdens of responsibility', in M Berger, B Wallis & S Watson (eds), *Constructing masculinity*, Routledge, New York, 1995, p. 294; B Murphy, *The other Australia: explorations of migration*, Cambridge University Press, Melbourne, 1993, p. 36; R Evans, C Moore, K Saunders & B Jamison, *1901, our future's past: documenting Australia's Federation*, Pan MacMillan Australia, Sydney, 1997. Chinese immigrants were frequently characterised as deviant and dishonest and were portrayed in various magazines as immoral, sexually rapacious and diseased

³⁶ S Murray-Smith (ed.), *The dictionary of Australian quotations*, Heinemann, Melbourne, 1984, p. 9.

³⁷ Macintyre, *A concise history of Australia*, p. 6.

³⁸ AC Kelley, 'International migration and economic growth: Australia 1865–1935', *The Journal of Economic History*, vol. 35, no. 3, September 1965, p. 336.

and necessitated a push towards increased migration. With the need for a greater population dominating government agenda, broader definitions of 'Other' and 'white' were gradually explored. Restrictions pertaining to southern Europeans were progressively relaxed and eventually the emigration of Asian migrants was accepted and later encouraged. However, while the classification of 'Other' and 'white' changed and evolved over this period, explicit racism remained entrenched in the Australian psyche and continued to play an important role in the development of Australia's historical narrative.

5.2 Rightful Owners: a Brief History of Australia's Indigenous People

Before an assessment of Australia's racist immigration history can be explored, it is important to acknowledge that the history of Australia's original inhabitants, the Aboriginal people, dates back over 50 000 years.³⁹ The racism experienced by Aboriginal Australians therefore represents one of the first and most vicious examples of racial bigotry. While a detailed examination of their displacement and genocide⁴⁰ at the hands of British colonists lies outside the scope of this thesis, the continued racialisation and treatment of Indigenous Australians within Australian society today exemplifies the continued salience of race.

Initial relationships between the continent's Indigenous inhabitants and British invaders were characterised by racist ideology. Laced with the prejudices of the time, early observations and remarks attested to the European apprehension of the 'noble savage'⁴¹. William Dampier, the first British person to explore the Australian

³⁹ J Flood, 'The Indigenous people', in J Jupp (ed.), *The Australian people*, 2001, p. 4.

⁴⁰ Scholars such as Henry Reynolds and Colin Tatz argue that Aboriginal Australians were deliberately massacred during colonial times and that the massacres, forced assimilation and the removal of children meet international definitions of genocide. For further discussion see H Reynolds, *An indelible stain? The question of genocide in Australia's history*, Viking, Ringwood, Vic, 2001; C Tatz, *With intent to destroy: reflecting on genocide*, Verso, London, 2003; C Tatz, 'Genocide in Australia', in S Totten & WS Parsons (eds), *Centuries of genocide: essays and eyewitness accounts*, 4th edn, Routledge, New York, 2013, pp. 136–202.

⁴¹ T Ellingson, *The myth of the noble savage*, University of California Press, Berkeley, 2001, pp. 52 & 130; C Fluehr-Lobban, *Race and racism: an introduction*, AltaMira Press, Oxford, 2006, pp. 83–84; J Nederveen Pieterse, *White on Black: images of Africa and Blacks in Western popular culture*, trans. Koninklijk Instituut voor der Tropen, Yale University Press, New Haven, 1992, pp. 33–39. The term 'noble savage' refers to the stereotypical portrayal of Indigenous peoples as ignorant, simple minded and uncivilised. While often romanticised as 'living free and harmonious with nature', the portrayal of

continent, described the Aboriginal people as 'the miserablest People in the World'⁴², noting that apart from their physical resemblance to mankind, they differed very 'little from Brutes.'⁴³ Similarly, Captain James Cook asserted that:

The Natives of New Holland . . . may appear to some to be the most wretched people on Earth, but in reality they are far more happier than we Europeans; being wholly unacquainted not only with the superfluous but the necessary Conveniences so much sought after in Europe, they are happy in not knowing the use of them. They live in a Tranquillity which is not disturb'd by the Inequality of Condition; the Earth and sea of their own accord furnishes them with all things necessary for life.⁴⁴

These initial descriptions remained significant and relevant to Australian society. In 1819 Reverend Samuel Marsden contended that Aboriginal Australians were 'the most degraded of the human race, . . . [with no] wish to change their habits and manner of life.'⁴⁵ Later, in the 1840s, Port Phillip Administrator Charles La Trobe emphasised the supposed innate difference between Aboriginal Australians and the 'white man' by highlighting the 'natural aggressive impulses' and 'savage cunning'⁴⁶ of Indigenous Australians, while Reverend James Walker remarked on 'the honour' he felt in being able to state that there were 'no aboriginals in [his] District'.⁴⁷

These early observations and remarks about the 'primitive nature' of Australia's Indigenous population cemented the idea that Aboriginal people occupied the lowest 'racial order'⁴⁸ and reinforced notions of British entitlement and racial domination.⁴⁹ Indeed, that Australia's Indigenous population was regarded as primitive and inferior was exemplified through all aspects of colonial settlement: Indigenous resistance to colonial invasion saw Aboriginal people regarded as savage and 'murderous and

Indigenous societies in this manner was inherently racist and used to justify the innate superiority of the 'white man'.

⁴² V Collingridge, *Documents of Australian history*, Five Mile Press, Scoresby, Vic, 2008, p. 13.

⁴³ *ibid.*

⁴⁴ Captain James Cook cited in Macintyre, *A concise history of Australia*, p. 28.

⁴⁵ WJ Lines, *Taming the great south land: a history of the conquest of nature in Australia*, Allen and Unwin, Sydney, 1991, p. 43.

⁴⁶ *ibid.*

⁴⁷ T Buggy & J Cates, *Race relations in colonial Australia*, Nelson, Melbourne, 1985, p. 8.

⁴⁸ P Bayne, 'Aboriginal politics', 2001, in J Jupp (ed.), *The Australian people*, 2001, p. 121.

⁴⁹ M Lake & H Reynolds, *Drawing the global colour line: white men's countries and the question of racial equality*, Melbourne University Press, Carlton, 2008, p. 15.

vengeful'⁵⁰, rather than courageous and strong; their susceptibility to introduced diseases provided 'proof' of natural selection; and their unique relationship with the land branded them as 'parasites' of nature⁵¹ with no understanding of civilised ('white') convention.⁵² Consequently, Indigenous Australians, regarded as inherently and perpetually inferior, were stripped of all rights to their own territory⁵³ and understood to be mentally inferior⁵⁴, were confined to reserves in an attempt to 'breed out indigenous colour'.⁵⁵

While scholarship by historians such as Blainey and Windschuttle dispute the extent of racialised violence between Indigenous Australians and British colonists⁵⁶, it is largely accepted by historians that the ideology of the time established and condoned the 'right of entitlement' through which the early British explorers secured settlement and domination.⁵⁷ Indeed, Windschuttle himself contends this point and

⁵⁰ J Evans, P Grimshaw, D Philips & S Swain (eds), *Equal subjects, unequal rights: indigenous peoples in British settler colonies 1830s–1910*, Manchester University Press, Manchester, 2003, pp. 148–49.

⁵¹ Representing Indigenous Australians as 'parasites' justified the idea of the 'noble savage' and further supported an innate and natural racialised hierarchy. Indigenous Australians were said to live off the land in a 'parasitic' manner; that is, they lived on the land without investing in its long-term future. For further detail see Jupp (ed.), *The Australian people*, 2001. Moreover, the idea that the Aboriginal people had no investment in their land has largely been discredited with scholars such as Butlin and Reynolds acknowledging considerable improvement to vegetation and animals at the hands of early Indigenous Australians. See N Butlin, *Economics and the dreamtime: a hypothetical history*, Cambridge University Press, Cambridge, 1993; H Reynolds, *The other side of the frontier: Aboriginal resistance to the European invasion of Australia*, University of NSW Press, Sydney, 2006.

⁵² For example, Indigenous Australians did not share the same ideas regarding the concept of land as private property, had different customs, no united language and a complex family structure. For further discussion see Evans, Grimshaw, Philips & Swain (eds), *Equal subjects, unequal rights*; H Goodall, *Invasion to embassy: land in Aboriginal politics in New South Wales, 1770–1972*, Sydney University Press, Sydney, 2006; Jupp (ed.), *The Australian people*, 2001, p. 121; Reynolds, *The other side of the frontier*.

⁵³ Wolfe, *Journal of Genocide Research*, p. 391.

⁵⁴ Lake & Reynolds, *Drawing the global colour line*, p. 234.

⁵⁵ McQueen, *A new Britannia*, 2004, pp. 277–78.

⁵⁶ Windschuttle argues that the death toll of Indigenous Australians at the hands of British colonists is grossly exaggerated and, moreover, that violence committed during this period was largely due to acts of 'criminality'. For further discussion, see K Windschuttle, *The fabrication of Aboriginal history*; K Windschuttle, 'The myths of frontier massacres in Australian history, Part I: The invention of massacre stories', *Quadrant*, October 2000, pp. 8–24, 'Part II: The fabrication of the Aboriginal death toll', *Quadrant*, November 2000, pp. 17–24 & 'Part III: Massacre stories and the policy of separatism', *Quadrant*, December 2000, pp. 6–20.

⁵⁷ Lake & Reynolds, *Drawing the global colour line*, pp. 15, 25 & 79; Windschuttle, *The fabrication of Aboriginal history*, pp. 187–89 & 298. Lake and Reynolds assert that ideas of innate racial superiority provided justification for British settlement. Similarly, Windschuttle asserts that British settlers adhered to the principles of the Enlightenment that emphasised the equality of man and argues that British settlers cherished and adhered to the idea of equality before the law. Thus, Windschuttle contends that while the Australian settlement was dominated by British ideology, it was humane and justified.

disputes instead the argument put forward by left-leaning academics and commentators that the plight of the Aboriginal people was akin to the Holocaust.⁵⁸

However, despite its sensationalism, linking the plight of Australia's Indigenous population to genocide is not illogical.⁵⁹ While the explicit intent required for a definition of genocide⁶⁰ may not be clearly discernible, Indigenous Australians were perpetually regarded and portrayed as a natural and permanent underclass⁶¹ with their eventual decline not only emphasised, but also explicitly encouraged by colonial authorities.⁶² In fact, the right of entitlement displayed by 'white' settlers ultimately allowed the colonisation of Australia to be seen as inevitable and natural, and is largely understood to have led to the construction and development of an 'imagined community'⁶³—a national community that was 'white', British and racially 'pure'.

This construction of an imagined community relied on structure. Where two competing ideologies are present, and no room for compromise exists, a social hierarchy is unavoidable. Schmitt argues that democracy, in this way, is unavoidably exclusionary:

⁵⁸ K Windschuttle, quoted in T Taylor, *Denial: history betrayed*, Melbourne University Press, Carlton, Vic, 2008, p. 189.

⁵⁹ L Kuper, *Genocide: its political use in the twentieth century*, Yale University Press, New Haven, 1982, pp. 101–120; C Tatz, 'Genocide in Australia', pp. 136–202. Kuper notes that 'there is no single genocidal process'.

⁶⁰ S Totten & PR Bartrop, *Dictionary of genocide*, Greenwood Press, Westport, CT, 2008, p. 102. The definition of 'Genocide' put forward by Lemkin and adopted by the UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) requires intent and is as follows: any 'Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group'. The Totten & Bartrop text also contains other definitions and revisions of Lemkin's original concept.

⁶¹ P Longerich, *Holocaust: the Nazi persecution and murder of the Jews*, Oxford University Press, Oxford, 2010, pp. 29–32. This idea of a natural 'underclass' reflects Nazi ideology that placed those of Jewish extraction at the bottom of a comprehensive 'new racial order'.

⁶² See, for example: Human Rights and Equal Opportunity Commission, *Bringing them home: national inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, Commonwealth Printer, Canberra, 1996, pp. 270–75; R Evans, 'Keeping Australia clean white', in V Burgmann & J Lee, eds, *A most valuable acquisition: a people's history of Australia since 1788*, McPhee Gribble, Penguin, Melbourne, 1988, pp. 170–89; S Stanton, 'Time for truth: speaking the unspeakable—genocide and apartheid in the 'lucky' country', *Australian Humanities Review*, July 1999, viewed 24 September 2013, <http://www.australianhumanitiesreview.org/archive/Issue-July-1999/stanton.html>.

⁶³ Anderson, *Imagined communities*, p. 6.

Every actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally. Democracy requires therefore, first homogeneity and second—if the need arises—elimination or eradication of heterogeneity.⁶⁴

Therefore, in the absence of genuine equality⁶⁵, it is inevitable that societies will be 'deeply differentiated'⁶⁶ with some groups 'more equal' than others.⁶⁷ In this sense, Aboriginal Australians were intentionally oppressed and their oppression and dispossession ultimately provided the foundation for Australian racism, nationalism and the White Australia policy.

5.3 Early Race Developments

The early settler society in Australia widely believed that the Indigenous population would eventually 'disappear'.⁶⁸ As a consequence, members of this British ('white') 'imagined community' were concerned primarily with the Australian continent's proximity to Asia and the Pacific. Chinese expansion was seen as inevitable, and soon fears of a foreign invasion by Asian 'hordes' dominated colonial Australian discourse.⁶⁹

Literature produced during this period exemplified this popular sentiment—that an Asian invasion was fearsome, inevitable and imminent. Australian novels in the 1880s warned of 'hordes from the north' that would take over a vulnerable ('white') Australia⁷⁰ and predicted the establishment of an extensive future Asian colony in

⁶⁴ Schmitt, *The crisis of parliamentary democracy*, p. 9.

⁶⁵ R Baubock, *Transnational citizenship: membership and rights in international migration*, Edward Elgar, Aldershot, England, 1994, pp. 278 & 298. Baubock suggests that genuine equality requires substantial citizenship and 'differentiated collective rights for socially unequal groups'.

⁶⁶ S Castles, 'Nation and empire: hierarchies of citizenship in the new global order', *International Politics*, vol. 42, no. 2, 2005, p. 205.

⁶⁷ R Pitty, 'The unfinished business of Indigenous citizenship in Australia and New Zealand, in K Neumann & G Tavan, *Does history matter?: Making and debating citizenship, immigration and refugee policy in Australia and New Zealand*, ANU E Press, 2009, p. 29, viewed 3 May 2013, <http://press.anu.edu.au?p.109651>.

⁶⁸ Lake & Reynolds, *Drawing the global colour line*, p. 79; McQueen, *A new Britannia*, 2004, p. 51

⁶⁹ Lake & Reynolds, *Drawing the global colour line*, p. 79.

⁷⁰ C Ross, 'Prolonged symptoms of cultural anxiety: the persistence of narratives of Asian invasion with multicultural Australia', *Journal of the Association for the Study of Australian Literature*, 2006, p. 87.

the Northern Territory.⁷¹ Other invasionist narratives prepared readers for the 'plague-like' floods of 'yellow' 'intent on slaughter and rape'.⁷² While ultimately works of fiction, the stories were deemed to be 'extremely realistic'⁷³ and many contained supplementary declarations asserting that 'neither the government nor the people realise the peril at hand' and that the explicit aim of the fiction was 'to shock Australian readers out of this complacency.'⁷⁴

The Asian 'races', in particular, were targeted as being inherently incompatible with the colonial Australian stereotype. While physical distinctions provided a highly visible marker of difference, it was a supposed cultural mismatch that was continuously promoted as justification for racial exclusion. In the 1870s Asian immigrants were pilloried for constituting a threat to the Australian labour movement with 'their industry, their indomitable perseverance, their frugality, and their ability to compete against European labour'⁷⁵ held as an example of their cultural incompatibility. This was reinforced in 1886 when Phil May's illustration of 'The Mongolian octopus – his grip on Australia'⁷⁶ saw Chinese immigrants held accountable for everything from cheap labour and corruption to the spread of immorality, drug use and smallpox. Asian races were represented as 'culturally inferior' with popular media publications characterising the Chinese, for example, as 'repulsive immoral pests' with 'obtuse faculties', 'stony heart[s]' and 'ignoble brutal lusts'.⁷⁷ Other 'non-white' cultures were depicted in a similar fashion—Pacific Islanders were depicted as 'brutes' below the 'level of . . . civilization'⁷⁸, while southern Europeans, particularly Italians from South Italy, were regarded as dirty, inferior and tainted by 'an infusion of African and Asiatic blood'.⁷⁹ As a

⁷¹ McQueen, *A new Britannia*, 2004, pp. 48–49; J Webb & A Enstice, *Aliens and savages: fiction, politics and prejudice in Australia*, Harper Collins, Sydney, 1998, pp. 130–67.

⁷² Ross, *Journal of the Association for the Study of Australian Literature*, p. 87

⁷³ McQueen, *A new Britannia*, 2004, pp. 48–49

⁷⁴ Ross, *Journal of the Association for the Study of Australian Literature*, pp. 87–88.

⁷⁵ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, 26 September 1901, p. 5239 (Vaiben Solomon, Member for South Australia).

⁷⁶ P May, 'The Mongolian octopus – his grip on Australia', illustration, *Bulletin*, 21 August 1886.

⁷⁷ J Graham, "'A danger that no language could magnify"', the *Newcastle Morning Herald* and the Chinese Question', *Journal of the Royal Australian Historical Society*, vol. 69, pt. 4, 1984, p. 240.

⁷⁸ WD Hund, J Krikler & D Roediger (eds), *Wages of whiteness racist symbolic capital*, Lit Verlag, Berlin, 2010, p. 112.

⁷⁹ S Dasgupta (ed.) with E Peeren, *Constellations of the transnational: modernity, culture, critique*, Rodopi, Amsterdam, 2007, p. 23.

consequence, race thinking became commonplace and racism was widely accepted and justified within early colonial society.

5.4 Terra Nullius: the Myth of an Uninhabited Land

As is discussed in Chapter 3, in the eighteenth century, the idea that human populations were inherently different and could be classified according to the level of their development was widespread.⁸⁰ In 1760 French Philosopher Emmerich de Vattel solidified this idea through his *Law of nations*, which legitimated the acquisition of sovereignty from those who did not cultivate or 'gainfully use' their land.⁸¹ As a consequence, for most of the Western world, the determination of a population's level of civility and development was linked to the cultivation of land and to the existence of law.

Key ideas from de Vattel's theory were used to support the doctrine of terra nullius—a Latin expression used to describe an empty land, belonging to no one.⁸² Under the legal principles of British common law at the time, a declaration of terra nullius would allow the new southern continent to be settled as opposed to conquered. In order to establish terra nullius and justify the outright possession of territory, the British colonists needed to prove that the land was either 'practically unoccupied', 'desert and uncultivated' or occupied by inhabitants 'without a recognisable law'.⁸³

The declaration of Australia as terra nullius thus required evidence of an empty, uninhabited land. New Holland, as Australia was referred to in the late eighteenth century, however, was not uninhabited. The British, despite observing that the number of natives appeared to 'bear no proportion to the extent of their territory', were well aware of the existence of Indigenous Australians.⁸⁴ With an observable

⁸⁰ For further detail, see 'Chapter 3 Race and Racism'.

⁸¹ E de Vattel, *The law of nations, or principles of natural law, applied to the conduct and affairs of nations and sovereigns: a work tending to display the true interest of powers*, London, 1760, cited in RH Grove, *Green imperialism: colonial expansion, tropical island Edens and the origins of environmentalism, 1600–1860*, Cambridge University Press, Cambridge, 1997, p. 266.

⁸² M Connor, *The invention of terra nullius*, Macleay Press, Sydney, 2005.

⁸³ A Curthoys, A Genovese & A Reilly, *Rights and redemption: history, law and Indigenous people*, University of New South Wales Press, Sydney, 2008, p. 55.

⁸⁴ A Kippis, *A narrative of the voyages round the world performed by Captain James Cook: with an account of his life during the previous and intervening periods*, NH Whitaker, 1830, p. 122, viewed 22 April 2013, <https://play.google.com/store/books/details?id=cHY9AAAAYAAJ&rdid=book-cHY9AAAAYAAJ&rdot=1>.

Indigenous population, a declaration of terra nullius required the British to construct a myth of an empty, uninhabited land that centred on the portrayal of Australia as vacant and unpopulated, with an inferior, primitive and uncivilised native population. Unwilling to acknowledge the Indigenous population as the rightful owners and occupiers of the land, the myth of an uninhabited land and subsequent declaration of terra nullius provides one of the first examples of deliberate British racism.

5.5 Pre-Federation: 1850–1901

With the Indigenous 'problem' solved through the doctrine of terra nullius, British colonial authorities began populating the new colony. Many of the first 'migrants' to Australia were in fact English convicts who were transported to Australia to relieve the burden on the English prison system.⁸⁵ However, by 1851 convicts accounted for only 1.5% of the population in the colony of New South Wales.⁸⁶ Migrants to the colony were nonetheless almost exclusively British in extraction.

The desire for a homogenous, racially 'pure', 'white' society had had a considerable impact on both the development of a national identity and the decision to federate. While the intent to exclude particular groups of people from settlement in Australia did not manifest in a legal sense until Federation in 1901, as discussed above, the desire to restrict and exclude certain groups of people was evident for many years beforehand. Indeed, the exclusion of 'inferior races' due to the belief in their inevitable extinction and due to policies designed to prevent those of 'inferior' status from entering the 'white' settler society, not only formed a central part of early Australian nationalism, but was integral to the development of a national identity.⁸⁷

5.5.1 The Discovery of Gold

The deep suspicion and dislike of 'non-white' 'races'⁸⁸ throughout the Australian colonies were fuelled, and considerably increased, by an influx of Chinese workers during the gold-rush period. The first discovery of gold in Australia dates back to 1839 when traces of the metal were found in the Blue Mountains region of New

⁸⁵ AT Yarwood & MJ Knowling, *Race relations in Australia*, p. 39.

⁸⁶ White, *Inventing Australia*, p. 29.

⁸⁷ Griffiths, 'The making of White Australia', pp. 349–402.

⁸⁸ Jupp, *From White Australia to Woomera*, p. 9.

South Wales. Fearing that such a discovery could have a negative impact on the early convict community, the then Governor, George Gipps, chose to suppress news of the find.⁸⁹ However, it was not to remain a secret for long.

In the years to follow, traces of gold were found in nearby Bathurst and soon the idea that the Australian continent could be rich in the precious metal took hold. In 1851 Edward Hargraves, a colonist with experience on the Californian goldfields, confirmed the existence of a considerable quantity of gold within the Bathurst district.⁹⁰ The confirmation had a significant and immediate effect on colonial Australian society. Almost overnight, the colonial settlement of New South Wales was seized by a tremendous excitement and overcome by a 'complete mental madness'.⁹¹ Colonists feverish with anticipation abandoned their former workplaces in droves and rushed to the diggings.⁹²

With the discovery of gold in New South Wales the neighbouring colony of Victoria was spurred into action. Eager to avoid a mass exodus of colonists from its settlement, the Victorian Government offered a reward of £200 to anyone able to find payable gold deposits within 200 miles of Melbourne.⁹³ Before long, gold was unearthed in Victoria, and soon the colony's rich goldfields transformed Australia from 'a remote dependency' into a land of opportunity and 'world wide fame'.⁹⁴

The discovery of gold in Victoria changed Australian society forever. With the Victorian goldfields contributing 'more than one-third of the world's gold output'⁹⁵, people from all over the world flocked to Australian shores.⁹⁶ While the vast majority of new arrivals were British, a substantial proportion of 'foreigners' also made the long, arduous journey in the hopes of finding gold. Australia's population exploded. In just two years, arrivals to the Australian settlement exceeded the total

⁸⁹ '“KEEP IT QUIET!”', *Examiner*, 15 February 1934, p. 6, viewed 17 October 2013, <http://nla.gov.au/nla.news-article51857157>; TA Coghlan, *Labour and industry in Australia: from the first settlement in 1788 to the establishment of the Commonwealth in 1901*, vol. 1, repr., Cambridge University Press, New York, 2011, p. 563.

⁹⁰ Coghlan, *Labour and industry in Australia*, p. 563.

⁹¹ 'The gold discovery', *Bathurst Free Press*, 17 May 1851, viewed 17 November 2013, <http://trove.nla.gov.au/ndp/del/article/683726>.

⁹² *ibid.*

⁹³ RM Younger, *Australia! Australia!: The pioneer years*, Rigby, Adelaide, 1975, p. 212.

⁹⁴ 'Council paper', *The Sydney Morning Herald*, 28 March 1854, p. 2, viewed 7 Jan 2014, <http://nla.gov.au/nla.news-article12954149>.

⁹⁵ Macintyre, *A concise history of Australia*, p. 87.

⁹⁶ Jupp, 'The quest for harmony', p. 8.

population of the previous seventy years, and by 1861 the non-Indigenous Australian population had trebled.⁹⁷

The sudden increase in immigration had a profound impact on the Australian colonies. Colonial Australia was no longer an isolated 'white' British outpost. Gold had 'acted as a magnet'⁹⁸ and soon people of all nationalities and classes could be observed working side by side on the goldfields.⁹⁹ The rapid and largely visible surge in population created a significant problem: racism. The distinct appearances and unfamiliar customs of the new arrivals caused fear and distrust¹⁰⁰, and soon tension and conflict arose between the 'white' colonists and the 'non-white' immigrants.

5.5.1.1 The Chinese

The greatest racial conflict during the gold-rush period occurred between the 'white' colonists and the newly arrived Chinese immigrants.¹⁰¹ Lured by the prospect of instant fortune, thousands of Chinese miners made the journey to Australia and by 1854 over 10 000 had landed in Melbourne.¹⁰² While the large majority of Chinese migration was 'financed and organised by the Chinese themselves'¹⁰³, the sheer number of the arrivals, their physical differences, and their unique customs and habits, caused 'white' colonists to fear, distrust and eventually reject the Chinese.¹⁰⁴

From the very beginning, the objections to Chinese immigration were couched in racist rhetoric. British superiority was assumed, while the alien culture, strange dress, unusual eating habits and pagan-like worship of the Chinese¹⁰⁵ were seen as

⁹⁷ Macintyre, *A concise history of Australia*, p. 87.

⁹⁸ *ibid.*, p. 88.

⁹⁹ M Clarke, *Manning Clarke's history of Australia*, abr. M Cathcart, Melbourne University Press, Melbourne, 1997, p. 247; Macintyre, *A concise history of Australia*, p. 88.

¹⁰⁰ Jayasuriya, *Immigration and multiculturalism in Australia*, pp. 51–55.

¹⁰¹ The link between anti-Chinese sentiment and the labour movement during this period falls outside the scope of this thesis. For a detailed account of this period see: Griffiths, 'The making of White Australia: ruling class agendas, 1876–1888'.

¹⁰² Lake & Reynolds, *Drawing the global colour line*, p. 17.

¹⁰³ A McKeown, 'Movement', in D Armitage & A Bashford (eds), *Pacific Histories: Ocean, Land, People*, Palgrave Macmillan, London, 2014, p. 153.

¹⁰⁴ Lake & Reynolds, *Drawing the global colour line*, p. 17; Jayasuriya, *Immigration and multiculturalism in Australia*, p. 55.

¹⁰⁵ J Collins, 'Keynote address: confronting racism in Australia, Canada and New Zealand', paper presented to the Conference on Racism, Aboriginality, Ethnicity and Gender, University of Technology, Sydney, 12–13 February 1993, p. 6.

evidence of their innate incompatibility with the Australian colonial way of life. Racism was expressed explicitly, with 'white' colonists asserting their 'inability' to overcome a 'repugnance to the race' as the 'tawny, parchment coloured skins, black hair . . . [and] oblique eyes' of the Chinese placed them far beneath 'recognised standards of manliness and beauty.'¹⁰⁶ The 'question of the influx of such . . . [an] inferior race' was therefore 'a very serious one' for the Australian colonists.¹⁰⁷

Tensions between the 'white' colonists and the Chinese intensified on the goldfields. Race became linked to economics, with the strong work ethic and the success of the Chinese rendering them not only as discordant to the 'white' colonists, but as 'unnatural', and ultimately unwelcome.¹⁰⁸ While acknowledged as 'clean and law abiding',¹⁰⁹ the Chinese were said to work harder and longer and their subsequent success created resentment within colonial society.

Fearing that Chinese immigrant miners would therefore threaten the jobs and wage rates of 'white' colonists, colonial governments worked quickly to find a solution. A raft of discriminatory and exclusionary legislation followed. In New South Wales, for example, the assent of the *Gold Fields Management Act*¹¹⁰ in 1853 made mining licences a requirement, with the fee for foreigners set at double the amount for British subjects.¹¹¹ Similarly, in 1855, the colonial Victorian Government limited the number of Chinese passengers on vessels arriving to the colony and imposed a £10 tax on all Chinese arrivals.¹¹² Inflated tax rates on income were also specifically introduced as a means to deter future Chinese migration. By ensuring that the 'Chinese were the most fiercely taxed members of the community'¹¹³, it was hoped

¹⁰⁶ Editorial, *Illustrated Sydney News*, 21 December 1878, quoted in McQueen, *A new Britannia*, 2004, pp. 34–35.

¹⁰⁷ Parliamentary Victorian Gold Fields' Commission of Enquiry, 1854, cited in D Goodman, *Gold seeking: Victoria and California in the 1850s*, Stanford University Press, California, 1994, pp. 20–21.

¹⁰⁸ Johanson, 'History of the White Australia policy', p. 4.

¹⁰⁹ Goodman, *Gold seeking*, p. 21.

¹¹⁰ 'The Gold-Fields Management Act', *The Maitland Mercury & Hunger River General Advertiser*, 29 December 1852, p. 2, viewed 7 October 2013, <http://nla.gov.au/nla.news-article658855>.

¹¹¹ GD Woods, *A history of criminal law in New South Wales: the colonial period 1788–1900*, Federation Press, Sydney, 2002, p. 184.

¹¹² Jupp (ed.), *The Australian people*, 2001, p. 202.

¹¹³ W Bate, *Lucky city: the first generation at Ballarat 1851–1901*, Melbourne University Press, Melbourne, 2003, p. 152.

that the invasion of 'Mongolian locusts'¹¹⁴ could be stemmed. Moreover, in addition to separate and exorbitant taxes, the Chinese were segregated and confined to specific camps overseen by official Protectors.¹¹⁵ However, despite these exclusionary measures, the fear of an influx and invasion remained pervasive and soon, resentment and racism led to mass demonstrations and riots.¹¹⁶

Anti-Chinese race riots appeared on goldfields all around Australia.¹¹⁷ In Victoria, violence erupted at Duraly and Ararat,¹¹⁸ while in the Buckland Valley, angry European rioters attacked the Chinese, destroyed their campsites and stole their gold.¹¹⁹ Similar scenes were observed at Lambing Flat in New South Wales, where the Chinese were outnumbered and attacked by European miners armed with picks and guns.¹²⁰ By the end of the decade, many Chinese miners had returned home.¹²¹ With a drastic reduction in the number of Chinese, immigration restriction was no longer a main priority for the colonial Australian governments.¹²² However, a preoccupation with the maintenance of British homogeneity remained high within Australian society and soon old concerns in regards to labour and wage issues resurfaced.

In the early 1880s objections to Chinese immigration became distinctly racist with all six colonies reporting a 'strong feeling' against unrestricted Chinese migration and, more importantly, 'a desire to preserve and perpetuate the British type'.¹²³ Meanwhile, societal sentiment was solidified through the establishment of a political magazine, *The Bulletin*, which carried the masthead slogan of 'Australia for the

¹¹⁴ *The Miner and General Advertiser*, Lambing Flat, 6 March 1861, cited in McQueen, *A new Britannia*, p. 33.

¹¹⁵ Goodman, *Gold seeking*, p. 21.

¹¹⁶ M Crotty & DA Roberts (eds), *Turning points in Australian history*, University of New South Wales Press, Sydney, 2009, p. 70.

¹¹⁷ McQueen, *A new Britannia*, 2004, p. 33.

¹¹⁸ H Hodge & A Whitehurst, *Nation and people, an introduction to Australia in a changing world*, Hicks Smith and Sons, California, 1967, p. 212.

¹¹⁹ Goodman, *Gold seeking*, p. 22.

¹²⁰ I McCalman, A Cook & A Reeves (eds), *Gold: forgotten histories and lost objects of Australia*, Cambridge University Press, Cambridge, 2001, p. 113.

¹²¹ Goodman, *Gold seeking*, p. 22.

¹²² I Welch, 'The Afghan/Burrumbet episode 1887–1889', *ANU Digital Collections*, 2009, p. 223, viewed 4 October 2013, <https://digitalcollections.anu.edu.au/bitstream/1885/49261/40/10chapter8.pdf>.

¹²³ CA Price, *The great white walls are built*, Australian National University Press, Canberra, 1974, pp. 168–69.

White Man',¹²⁴ and racial exclusion was again a main priority for the Australian settlement. Colonial governments accordingly introduced new measures aimed at restricting Chinese immigration.¹²⁵

The colonial response to Chinese arrivals aboard the *SS Afghan* and the *SS Burrumbeet* exemplified the underlying racist sentiment of this period. In 1881 the colonial Victorian Government had imposed a levy restricting the number of Chinese migrants allowed on shipping vessels entering Victoria.¹²⁶ Restrictions had been introduced to prevent a 'tidal wave' of Chinese arrivals, with arguments justifying the exclusionary measures referencing the Chinese as the largest population in the world.¹²⁷ Thus, when the *SS Afghan* carrying 268 Chinese passengers arrived at the port of Melbourne in 1888, the Victorian Government moved swiftly to deny the Chinese permission to disembark.¹²⁸ Without permission to dock in the Victorian port of Melbourne, the *SS Afghan* was forced to sail to Sydney. However, anti-Chinese sentiment was not confined to colonial Victoria, and upon its arrival in Sydney, the vessel was met with large-scale public protests and riots and was eventually forced into quarantine. In response, the colonial New South Wales Government moved quickly to legislate against the arrival of the Chinese on the *SS Afghan* and a retrospective bill was introduced increasing the poll tax for Chinese persons from £20 to £200.¹²⁹

The deliberate exclusion and removal of Chinese migrants from the *SS Afghan* reveals the pervasiveness of race in Australia in the nineteenth century. The colonial governments were in fact actively engaged in deliberate racism. The threat of invasion was continually exaggerated and promoted, while increasingly restrictive measures were introduced excluding the Chinese from all aspects of colonial life. The maintenance of 'racial purity' was not only essential under the auspices of

¹²⁴ J Arnold, 'Newspapers and daily Reading' in M Lyons & J Arnold (eds), *A history of the book in Australia 1891–1945: a national culture in a colonised market*, University of Queensland Press, St Lucia, 2001, p. 269.

¹²⁵ T Janoski, *The ironies of citizenship: naturalization and integration in industrialized countries*, Cambridge University Press, New York, 2010, p. 103.

¹²⁶ Lake & Reynolds, *Drawing the global colour line*, p. 35.

¹²⁷ *ibid.*, p. 36.

¹²⁸ HDM Chan, 'Chinese in Australia', in M Ember, CR Ember & I Skoggard (eds), *Encyclopedia of diasporas: immigrant and refugee cultures around the world*, Springer, New York, 2005, p. 636.

¹²⁹ HDM Chan, 'Chinese in Australia', p. 636.

avoiding economic competition, but was a necessary part of national security.¹³⁰

Fear of the Chinese stemmed from their portrayal as inherently incompatible with the British–Australian stereotype. Despite the reputation of the Chinese as respectful, law-abiding citizens, colonial governments ensured that wider society remained aware of their supposed inferiority and fearful of their differentness. In 1888 the then New South Wales Premier, Henry Parkes, implored society to disregard the image of 'the poor Chinaman that perhaps struggles through the streets . . . with his baskets filled with vegetables or fruit' and warned that they had originated from 'a great Power . . . one of the most formidable Powers in the world.'¹³¹ Portrayed as also sexually deviant, vicious and immoral, the Chinese were a 'race' thus thoroughly discordant with civil 'white' society, and between 1888 and 1901 the Chinese population in Australia declined from 45 000 to approximately 32 000.¹³²

5.6 Federation

Until Federation in 1901, the six colonies—despite sharing a common culture, history and language—had largely operated separate from and independent of one another. Federation was thus seen as a way to unify the separate colonies under one central government and to provide a solution to several barriers that existed between the six colonial settlements. While numerous reasons for Federation were put forward¹³³, one of the most compelling motives, shared by all six colonial governments, was the desire to improve defence and restrict alien immigration.

Immigration control was at the forefront of political debate and racial fears played an important role in securing colonial unification. The threat of miscegenation, fuelled by 'stories of illicit sexual relations between Chinese men . . . and white women'¹³⁴,

¹³⁰ A McKeown, *Melancholy order: Asian migration and the globalization of borders*, Columbia University Press, New York, 2008, pp. 129–30.

¹³¹ 'The Premier at Wagga Wagga', *The Sydney Morning Herald*, 9 April 1888, p. 3, viewed 18 October 2013, <http://nla.gov.au/nla.news-article13682700>.

¹³² Willard, *History of the White Australia policy to 1920*, p. 94.

¹³³ H Irving (ed.), *The centenary companion to Australian federation*, Cambridge University Press, Cambridge, 1999; Willard, *History of the White Australia policy to 1920*. Due to the constraints of this thesis, the numerous reasons for and against Federation will not be explored here. For a more detailed examination of the debates leading to Federation, see: *Official record of the proceedings and debates of the Australasian Federation Conference*, Melbourne 1890, viewed 16 October 2013, <http://adc.library.usyd.edu.au/view?docId=ozlit/xml-main-texts/fed0053.xml>.

¹³⁴ Jayasuriya, *Immigration and multiculturalism in Australia*, p. 55.

was considered a dangerous threat to the racial purity of the colonial settlement. A uniform, central control of immigration was therefore seen as highly conducive to, and desirable for, the maintenance of a White Australia.

In the push towards Australian Federation, racism was used explicitly by politicians to attract votes and gain political support. Alfred Deakin, Attorney General in Australia's first Commonwealth Government, explained in 1901, this need for overt racism, stating that:

No motive power operated more universally on this continent or in the beautiful island of Tasmania, and certainly no motive operated more powerfully in dissolving the technical and arbitrary political divisions which previously separated us than the desire that we should be one people and remain one people without the admixture of other races.¹³⁵

Australia's first Prime Minister, Edmund Barton, agreed and in supporting measures towards the development of the White Australia policy quoted from Pearson's, *National life and character: a forecast*:

The day will come, The day will come, and perhaps is not far distant, when the European observer will look round to see the globe circled with a continuous zone of the black and yellow races, no longer too weak for aggression or under tutelage, but independent, or practically so, in government, monopolising the trade of their own regions, and circumscribing the industry of the Europeans; when Chinamen and the natives of Hindustan, the states of Central and South America . . . are represented by fleets in the European seas, invited to international conferences and welcomed as allies in quarrels of the civilised world. The citizens of these countries will then be taken up into the social relations of the white races, will throng the English turf or the salons of Paris, and will be admitted to inter-marriage. It is idle to say that if all this should come to pass our pride of place will not be humiliated . . . We shall wake to find ourselves elbowed and hustled, and perhaps even thrust aside by peoples whom we looked down upon as servile

¹³⁵ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, 12 September 1901, p. 4804 (Alfred Deakin, Attorney-General).

and thought of as bound always to minister to our needs. The solitary consolation will be that the changes have been inevitable.¹³⁶

Finally, in 1901, future Australian Prime Minister William Morris Hughes launched the Labor Party platform stating that: 'Our chief plank is, of course, a White Australia. There's no compromise about that. The industrious coloured brother has to go – and remain away!¹³⁷ Race and nationhood were therefore inextricably linked and issues of racial incompatibility and, subsequently, immigration restriction, dominated political discourse.

In the years prior to Federation, as mentioned above, legislation restricting the entry of the Chinese had already been enacted in a number of colonies, while ways to prohibit Chinese immigration had been explored at the Intercolonial conferences of 1880, 1888 and 1896.¹³⁸ While the shipping ton quotas that were introduced in various colonial states were effective in restricting a large proportion of Chinese immigration¹³⁹, several colonial governments also introduced written tests to prevent further 'non-white' immigration.¹⁴⁰

However, despite the almost unanimous aim of racial exclusivity and purity, the colonial governments still faced a complex and difficult task of fostering a racially homogenous national ideology while remaining a civilised member of the racially diverse British Empire. As one of the largest imperial powers in the nineteenth and twentieth centuries¹⁴¹, the British Empire considered a large proportion of people

¹³⁶ E Barton, quoting from C Pearson, *National life and character; a forecast*, Macmillan, London, 1894, cited in M Lake, 'The White Australia policy', *From Mississippi to Melbourne via Natal: the invention of the literacy test as a technology of racial exclusion*, ANU E Press, viewed 29 December 2013, http://press.anu.edu.au/cw/mobile_devices/ch13s05.html.

¹³⁷ WM Hughes in the first parliament, quoted in J Pilger, *Heroes*, Vintage, London, 2001, p. 30.

¹³⁸ For an analysis of the Intercolonial Conference on the Chinese Question 1888 and the protests of prominent Chinese individuals, see I Welch, 'Alien son: the life and times of Cheok Hong Cheong, (Zhang Zhuoxiong) 1851–1928', 2003, *ANU Digital Collections*, 10 November 2013, <https://digitalcollections.anu.edu.au/bitstream/1885/49261/31/01front.pdf>.

¹³⁹ A Curthoys, 'Liberalism and exclusionism: a prehistory of the White Australia policy', in L Jayasuriya, D Walker & J Gothard (eds), *Legacies of White Australia*, pp. 8–32.

¹⁴⁰ Written tests were introduced by the colonial government of Western Australia in 1897 and by the colonial governments of New South Wales and Tasmania in 1898. See: *Immigration Restriction Act (No. 3) 1898 (NSW)*; *Immigration Restriction Act 1898 (RAS)* (62 Vict. No. 69); *Immigration Restriction Act 1898 (WA)* (61 Vict. No. 13).

¹⁴¹ N Ferguson, *Empire, the rise and demise of the British world order and the lessons for global power*, Basic Books, New York, 2004, p. 319; A Madison, *The world economy: a millennial perspective*, OECD Publishing, Paris, 2001.

from India and Africa as its citizens.¹⁴² Furthermore, Britain had important trade and strategic interests in Asia, particularly with Japan and China. Treaties between Britain and China further exacerbated this complexity, with the Chinese Government expecting its nationals to be treated as equals in all of Britain's colonies.¹⁴³ While the Chinese posed a particular concern to the colonial Australian settlement, the British Empire included several Asian colonies, most notably, Hong Kong. Consequently, the colonial governments could not continue to explicitly refuse entry to the Chinese based solely on the colour of their skin. This proved to be problematic to the establishment of a racially homogenous White Australia as Britain was keen to avoid any overt references to racial discrimination.¹⁴⁴ The promotion of a 'white' ideal, therefore, could not be pursued overtly.

In order to court popular opinion without upsetting the British Government, race and immigration restrictions were linked to labour concerns. Federation debates were accordingly concerned with the incompatibility of certain peoples with the Australian way of living rather than with the issue of colour. However, despite an overt focus on labour issues, a racially 'pure' 'white' Australia was the covert fundamental concern of early colonial society. Indeed, as Jupp highlights, policy statements both before and after Federation make no distinction between 'the objective of preserving labour conditions from that of maintaining racial purity'.¹⁴⁵

5.6.1 *Immigration Restriction Act 1901*

Federation in 1901 was quickly followed by two separate pieces of legislation intent on restricting migration to the newly established country. One of the first Acts passed in parliament was the *Immigration Restriction Act* of 1901. Based on the 'Natal formula' that had been used with great success in South Africa¹⁴⁶, the Act legally restricted the entry of all non-British persons to Australia.

The implicit objective of the *Immigration Restriction Act* was to maintain British

¹⁴² 'The United Kingdom owns, as its brightest and greatest dependency, that enormous Empire of India, with 300,000,000 of subjects...' PM Edmund Barton quoting British politician Joseph Chamberlain, Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 39, 26 September 1901, p. 5224.

¹⁴³ McQueen, *A new Britannia*, 2004, p. 13.

¹⁴⁴ Jupp, *From White Australia to Woomera*, p. 8.

¹⁴⁵ J Jupp, *Immigration*, Sydney University Press, Sydney, 1991, p. 46.

¹⁴⁶ N Shimazu, *Japan, race and equality: the racial equality proposal of 1919*, Routledge, London, 1998, p. 72.

homogeneity by curtailing Asian immigration. Such an objective, however, could not be expressed explicitly. Australian politicians needed to maintain a good relationship with the British Empire, and, as a consequence, restrictions on immigration could not overtly refer to 'race'. This difficulty is evident in early the early parliamentary debates:

Senator Dobson – I do not want them to come here, but at the same time I think we must really have regard to the wellbeing of the Empire on this question . . . We cannot have India as a part of the Empire, and yet treat its inhabitants in the way proposed here

Senator Stewart – Then Senator Dobson is not in favour of a white Australia?

Senator Dobson – I desire Australia to be as white as we can get it.¹⁴⁷

Moreover, those residing in Hong Kong and India were British subjects, and overt racially based immigration policies would offend and impact Great Britain's relationship with Japan.¹⁴⁸ Thus, in order to circumvent British imperial sensitivities, language tests were used deliberately to conceal Australia's racialised agenda.

In fact, the *Immigration Restriction Act* was designed specifically to prohibit unfavourable applicants without providing any clear specification of what was considered detrimental or undesirable. This ambiguity was deliberate and strategic.¹⁴⁹ By providing very little detail in regards to Australia's migration policies, particularly in regards to immigrant desirability, Australian immigration officials were able to deny any person deemed unsuitable without appearing discriminatory, or worse, racist.¹⁵⁰ Howell notes that certain 'coloureds', such as Asian businessmen, could be exempted from taking the test. Similarly, those of European origin suspected to have an undesirable past, such as a criminal record, could be forced to sit the test.¹⁵¹

¹⁴⁷ Commonwealth of Australia, *Parliamentary Debates*, Senate, no. 49, 6 December 1901, p. 8367.

¹⁴⁸ *ibid.*

¹⁴⁹ J Jupp, 'From "White Australia" to "Part of Asia": recent shifts in Australian immigration policy towards the region', *International Migration Review*, vol. 29, no. 1, spring 1995, p. 208, viewed 17 August 2013, <http://www.jstor.org/stable/2547002>.

¹⁵⁰ Lake & Reynolds, *Drawing the global colour line*, pp. 161 & 324.

¹⁵¹ P Howell, *South Australia and Federation*, Wakefield Press, Kent Town, South Australia, 2002, p. 232.

The dictation test was the primary component of the *Immigration Restriction Act*. It required any non-British person seeking entry to Australia to write out a passage of fifty words in any European language. The Customs officer in charge decided the choice of language used in the test. On the surface, it appeared that any applicant who could successfully complete the task would be granted permission to settle in Australia. However, in reality, the test was designed to be impossible to pass.¹⁵² Its sole intention and purpose was to fail all applicants and therefore enable the officer to legally deny entry to any undesirable immigrants. In fact, as Willard argues, the 'elasticity of the method' to exclude immigrants was not only unique in its effectiveness but made 'any evasion of it by sham knowledge...practically impossible'.¹⁵³

5.6.2 Pacific Island Labourers Act 1901

The *Immigration Restriction Act* was designed and introduced explicitly to prevent 'non-white' immigration. However, curtailing 'coloured' immigration solved only one part of the issue. A large number of 'coloured labourers'¹⁵⁴ still lived and worked in Queensland and in parts of northern New South Wales, posing a significant problem for the Commonwealth's vision of Australia as a 'white man's land'.¹⁵⁵ Legislation was therefore required to justify the deportation of 'non-whites' already living in Australia, and consequently the introduction of the *Pacific Island Labourers Act 1901*¹⁵⁶ solidified the aims of the 'White Australia' policy.

In the years between 1860 and 1901 approximately 62 000 South Sea Islanders¹⁵⁷, mostly from Vanuatu and the Solomon Islands, were brought to Australia¹⁵⁸ as cheap

¹⁵² Johanson, 'History of the White Australia policy', p. 17.

¹⁵³ Willard, *History of the White Australia policy to 1920*, p. 120.

¹⁵⁴ HC Prinsen Geerligs, *The world's cane sugar industry: past and present*, Cambridge University Press, New York, 2010, p. 334.

¹⁵⁵ *ibid.*, p. 335.

¹⁵⁶ Commonwealth of Australia, *Pacific Island Labourers Act 1901*, viewed 8 January 2014, <http://www.comlaw.gov.au/Details/C1901A00016>. For a detailed examination of the unique and deeply racist policies that provided the backbone to this Act, see Griffiths, 'The making of White Australia: ruling class agendas, 1876–1888', part. chaps 6 & 7.

¹⁵⁷ South Sea Islanders were commonly and derogatorily referred to as 'Kanakas' in colonial Australian discourse. This thesis will not use the term except when referring to original documents of the day or in direct quotation. Instead, it will use the term 'South Sea Islanders' as it is the preferred term for the descendants of the nineteenth century Polynesian and Melanesian peoples from the South Pacific who are now living in Australia.

¹⁵⁸ The argument of whether South Sea Islanders were recruited or 'blackbirded' lies outside the scope of this thesis. For an account of 'blackbirding' in Queensland see EV Stevens, 'Blackbirding: a brief

labour for Australia's developing sugar industry.¹⁵⁹ The rapid growth of Queensland's sugarcane industry coupled with a need to maximise profits and the belief 'that "white men" could not safely do manual labour in tropical climates'¹⁶⁰, led the colonial Queensland Government to seek out and use indentured 'coloured' labour.¹⁶¹ However, despite their significant contribution to the economic prosperity¹⁶² of colonial Queensland, South Sea Islanders were always regarded as an expendable 'temporary aid'¹⁶³ and were 'never really wanted in Australia'.¹⁶⁴ In fact, from the very beginning, South Sea Islanders were commoditised, exploited and excluded from society.

Consistently regarded as outsiders, South Sea Islanders faced a racist colonial society that saw them as 'tribal', uncultured and innately inferior. While 'free from the worst-known evils and vices', South Sea Islanders were described as 'boys' in need of civilising, fond of 'simple instruments of music' and with faces that suggested 'potential passions . . . of a bad kind if provoked into activity.'¹⁶⁵ Meanwhile, their willingness to work for substantially lower wages¹⁶⁶ created resentment and distrust, while 'differences of language, customs and even of race' were seen to be

history of South Sea Islands labour traffic and the vessels engaged in it', *Historical Society Journal*, vol. 3, no. 3, 1950; KE Saunders, 'Uncertain bondage: an analysis of indentured labour in Queensland to 1907, with particular reference to the Melanesian servants', PhD thesis, University of Queensland, 1974; WT Wawn, *The South-Sea Islanders and the Queensland labour trade*, Pacific history Series, Australian National University Press, Canberra, 1973; Griffiths, 'The making of White Australia: ruling class agendas, 1876–1888'.

¹⁵⁹ C Moore, 'The counterculture of survival: Melanesians in the Mackay district of Queensland, 1865–1906', in BV Lal, D Munro & ED Beechert (eds), *Plantation workers: resistance and accommodation*, University of Hawai'i Press, Honolulu, 1993, p. 70; Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, 'Australian South Sea Islander community history', Queensland Government, p. 3, viewed 7 February 2014, <http://www.datsima.qld.gov.au/resources/culturaldiversity/community/australian-south-sea-islanders/history.pdf>.

¹⁶⁰ Griffiths, 'The making of White Australia: ruling class agendas, 1876–1888', pp. 141 & 260.

¹⁶¹ R White, 'Immigration, nationalism and anti-Asian racism', in C Cunneen, D Fraser & S Tomsen (eds), *Faces of hate: hate crime in Australia*, Hawkins Press, Sydney, 1997, p. 31.

¹⁶² L Gibson & J Besley, *Monumental Queensland: signposts on a cultural landscape*, University of Queensland Press, St Lucia, 2004, p. 126. The use of indentured labour was central to the expansion and success of the sugar industry.

¹⁶³ Queensland State Archives, Attorney General to Governor, GOV/A1, 13 April 1869.

¹⁶⁴ HJ Irvine, 'Sweet and sour: accounting for South Sea Islander labour at a North Queensland sugar mill in the late 1800s', *Proceedings of the 10th World Congress of Accounting Historians*, St Louis, Missouri & Oxford, Mississippi, p. 2, viewed 2 January 2014, <http://eprints.qut.edu.au/13044/1/13044.pdf>.

¹⁶⁵ M Davitt, *Life and progress in Australasia*, Cambridge University Press, New York, 2011, p. 274.

¹⁶⁶ OW Parnaby, *Britain and the labor trade in the Southwest Pacific*, Duke University Press, Durham, NC, 1964, p. 130. South Sea Islanders not only worked for a considerably lower wage but were willing to work 'longer each day, for more days each year'.

incompatible with the community and social cohesion.¹⁶⁷ Thus, although 'intelligent looking'¹⁶⁸ and 'indispensable'¹⁶⁹ to Queensland's sugarcane industry, their prolonged presence in Australia was feared and deeply undesired. Permanent settlement was therefore widely discouraged and colonial recruitment was careful to target those likely to return home—namely, young single males.¹⁷⁰

However, immediately after Federation, the new Commonwealth Government sought to enact legislation that would facilitate the mass deportation of nearly all remaining South Sea Islanders. Race was undeniably the motivating factor behind such legislation, with politicians such as Andrew Fisher questioning whether Queensland (in the year prior to Federation) 'was to be the heritage of the white or the coloured races.'¹⁷¹ Later, in debates regarding the phrasing of the Bill, he bluntly advocated for their 'deportation'¹⁷² rather than for their 'return'—a sentiment then echoed by parliamentarian Isaac Isaacs, who stated, 'We cannot temporize with this evil any longer'.¹⁷³

Many South Sea Islanders actively voiced their objections to the Bill. A large number had come to Australia in their youth and had worked hard to establish a life for themselves; many had 'substantial possessions and bank accounts', while others owned property or had married 'outside their immediate ethnic and racial groups'.¹⁷⁴

¹⁶⁷ A Deakin, quoted in T Banivanua-Mar, *Violence and colonial dialogue: the Australian-Pacific indentured labor trade*, University of Hawai'i Press, Honolulu, 2007, p. 102.

¹⁶⁸ Davitt, *Life and progress in Australasia*, p. 274.

¹⁶⁹ *ibid.*, p. 270.

¹⁷⁰ K Saunders, 'Melanesian women in Queensland 1863–1907: some methodological problems involving the relationship between racism and sexism', 1980, p. 27, viewed 16 January 2014, <https://journals.lib.byu.edu/spc/index.php/PacificStudies/article/viewFile/9179/8828>. As Saunders explains: 'Women, who would produce children, could constitute a threat to their plans, for they might form an unwanted, permanent, and unassimilable segment in the community.'

¹⁷¹ Quoted in P Bastian, *Andrew Fisher: an underestimated man*, University of New South Wales Press, Sydney, 2009, p. 127. This sentiment was repeated by Fisher in Commonwealth debates in 1901, see: A Fisher, 'British New Guinea in Committee', *Parliamentary Debates*, House of Representatives, 19 November 1901, viewed 11 March 2014, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansard80%2F1901-11-19%2F0035%22>.

¹⁷² A Fisher, 'Pacific Islands Labourers Bill', *Parliamentary Debates*, House of Representatives, 7 November 1901, viewed 11 March 2014, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansard80%2F1901-11-07%2F0051%22>.

¹⁷³ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 5, 11 October 1901, p. 5997 (Isaac Isaacs, Member for Indi).

¹⁷⁴ C Moore, '“Good-bye, Queensland, good-bye, white Australia; good-bye christians”': Australia's South Sea Islander community and deportation, 1901–1908', *The New Federalist*, no. 4, December 2000, p. 24.

Suddenly faced with the prospect of deportation, many were confused over why they had to leave and sent petitions to the Queensland Governor, the Prime Minister and even the King.¹⁷⁵ Sugarcane plantation owners and representatives from shipping and transport firms as well as from the Queensland sugar industry as a whole, who argued that the forced removal of South Sea Islanders would cripple the Queensland sugar industry, voiced similar objections.¹⁷⁶ However, despite these vigorous and determined objections, the desire for a homogenous 'white' society usurped all other political sensibilities.¹⁷⁷

Indeed, the creation of a racially 'pure' White Australia remained the primary goal of the newly federated nation and, thus, the *Pacific Island Labourers Bill* was passed just six days after the *Immigration Restriction Act 1901*. The enactment of the *Pacific Island Labourers Act 1901* in December immediately placed severe restrictions on all South Sea Islanders and declared that:

3. No Pacific Island labourer shall enter Australia on or after the thirty-first day of March, One thousand nine hundred and four.

4. No Pacific Island labourer shall enter Australia before the thirty-first day of March, One thousand nine hundred and four, except under a licence.¹⁷⁸

More importantly, the *Pacific Island Labourers Act* legalised the deportation of any remaining South Sea Islanders who were still living in Australia at the end of 1906.¹⁷⁹ The success of the Act was clearly evident by 1908, when only 1654 South Sea Islanders remained in Australia.¹⁸⁰

5.6.3 *Naturalization Act 1903*

¹⁷⁵ G Nicholls, *Deported: a history of forced departures from Australia*, University of New South Wales Press, Sydney, 2007, pp. 36–38; Moore, *The New Federalist*, pp. 22–29.

¹⁷⁶ B Carroll, *Australia's prime ministers: from Barton to Howard*, Rosenberg Publishing, Kenshurst NSW, 2004, p. 33; National Archives of Australia, The Kanaka [Pacific Islander] Petition to the King, A1, 1903/1694.

¹⁷⁷ Carroll, *Australia's prime ministers*, p. 33.

¹⁷⁸ *Pacific Island Labourers Act 1901 (No 16)*, viewed 5 February 2014, http://www.austlii.edu.au/au/legis/cth/num_act/pila190116o1901262/.

¹⁷⁹ *ibid.*, s. 8.

¹⁸⁰ Moore, *The New Federalist*, p. 24.

In the following years, a successive number of Acts¹⁸¹ were passed in parliament that clarified and consolidated Australia's attitudes towards 'non-white' immigration. One of these Acts was the *Naturalization Act 1903*, which introduced the conditions by which applicants could be granted naturalisation by the Commonwealth of Australia and attain the rights and privileges of British subjects.¹⁸² According to the Act, applicants who had resided in Australia continuously for two years or who had obtained a certificate of naturalisation from the United Kingdom were able to apply to the Governor-General for a certificate of naturalisation.¹⁸³ Naturalisation, however, was only available to 'white' applicants and hence was an explicit instrument of White Australia. Aboriginal natives of Asia, Africa and the Pacific Islands (except New Zealand) were explicitly precluded from applying for naturalisation¹⁸⁴, while the Governor-General was granted discretionary powers to 'grant or withhold a certificate of naturalization, as he thinks most conducive to the public good.'¹⁸⁵ The Act thus intentionally sought to prevent 'coloured aliens' from applying for naturalisation and worked as a metaphorical 'colour bar', excluding all 'non-whites' from any aspirations of citizenship.¹⁸⁶

5.7 The Pre-war Years 1901–1914

In the years prior to the First World War immigration continued to be racially selective. The forced removal of South Sea Islanders coupled with restrictions on 'non-white' immigration had reinforced popular and widespread notions of innate racial incompatibility. Meanwhile, the need for a 'white' homogenous national identity was continually bolstered by fears of an imminent Asiatic threat and

¹⁸¹ These Acts lie outside the scope of this thesis and will not be discussed extensively here. The *Post and Telegraph Act 1901* stipulated that mail contracts could only be issued to ships employing 'white' labour, while the *Contract Immigrants Act 1905* forced resident employers wishing to bring in labourers to gain approval from the Minister of External Affairs. See the *Post and Telegraph Act 1901 (No 12)*, viewed 5 February 2014, http://www.austlii.edu.au/au/legis/cth/num_act/pata190112o1901232/; the *Contract Immigrants Act 1905 (No 19)*, viewed 5 February 2014, http://www.austlii.edu.au/au/legis/cth/num_act/tcia190519o1905296/.

¹⁸² *Naturalization Act 1903 (No 11)*, s. 8, viewed 7 February 2014, http://www.austlii.edu.au/au/legis/cth/num_act/na1903111903215/.

¹⁸³ *ibid.*, s. 5.

¹⁸⁴ *ibid.*, s. 4.

¹⁸⁵ *ibid.*, s. 7.

¹⁸⁶ B Galligan & R Winsome, *Australian citizenship*, Melbourne University Press, Carlton, Vic, 2004, pp. 36–38.

affirmed by a need to protect the high standard of Australian living.¹⁸⁷ Indeed, community sentiment largely reflected Alfred Deakin's affirmation in 1901 that:

The unity of Australia is nothing, if that does not imply a united race. A united Race not only means that its members can intermix, intermarry and associate without degradation on either side, but implies one inspired by the same ideas.¹⁸⁸

In fact, as Hawkins contends, national unity was so inextricably linked with racial 'purity' that all 'Australians, politicians and the public . . . believed in the White Australia Policy.'¹⁸⁹

With Australian society still harbouring a firm belief that 'non-white' immigration would destroy the social and political fabric of Australian democracy, the White Australia policy provided a means by which the Australian Government could ensure the safety and security of its citizens. Indeed, as Alfred Deakin noted in the House of Representatives, the chief objective of the White Australia policy was not to provide potential immigrants with an opportunity to enter Australia, but rather to specifically 'keep them out'.¹⁹⁰

Despite these intentions, Australia could not remain isolated forever. In 1905 Japan's naval victory over Tsarist Russia reignited old fears of an Asian invasion¹⁹¹ and spurred Australia into taking an immediate interest in defence issues. Fearing that a powerful and victorious Japan could force the Australian Government into abandoning or amending its White Australia policy, the National Defence League lobbied for the formation of a military force during peacetime.¹⁹² Interestingly, politicians from both sides of government, jolted from their relative complacency, largely supported these ideas. Indeed, Deakin stressed that:

¹⁸⁷ E Richards, 'Migrations: the career of British White Australia', in D Schreuder & S Ward (eds), *Australia's empire*, Oxford University Press, New York, 2008, p. 173.

¹⁸⁸ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, 12 September 1901, p. 4807 (Alfred Deakin, Attorney-General).

¹⁸⁹ F Hawkins, *Critical years in immigration: Canada and Australia compared*, 2nd edn, McGill-Queen's University Press, Montreal, 1991, p. 15.

¹⁹⁰ Martin, 'The White Australia policy', p. 47.

¹⁹¹ N Meaney, 'Australia's foreign policy: history and myth', *Australian Outlook*, vol. 23, no. 2, 1969, pp. 174–75. See also, D Day, 'Andrew Fisher and the "Australian Spirit"', *The Sydney Papers*, vol. 201, no. 4, spring, 2008.

¹⁹² Bastian, *Andrew Fisher*, p. 277.

Under all the developments of the modern men-of-war, Australia, which used to depend largely on its isolations [sic] for security, is now within what is termed striking distance of now less than sixteen foreign naval stations . . . Japan at her head quarters is, so to speak, next door, while the Mother country is many streets away, and connected by long lines of communication.¹⁹³

Consequently, in 1906, Deakin advanced Australia's defence capabilities by accepting recommendations to develop a local navy.¹⁹⁴

Similar sentiments were echoed by Labor politician George Foster Pearce in 1907, who warned against becoming complacent:

There was a time when I deprecated any attempt by Australia to take any part in militarism. It is only the developments in Asia . . . that have converted me to the belief that Australia must be prepared to defend herself. I have never feared, nor do I now fear, the invasion of Australia by any European nation. I believe that we are perfectly safe in that direction, and that even in the event of a European war no nation would turn her eyes with any ill-feeling towards our shores. But I do recognise that in the East there are people alien to us in race, religion, and ideals, industrial and social, and that if we believe in our ideals, if we want to establish the industrial Commonwealth which we hope to establish here, we must shut our doors against races so foreign to us as the Asiatic races are. The only doctrine that those races respect is the doctrine of force. Our White Australia legislation is so much waste paper unless we have rifles behind it, and are prepared to back it up by force if necessary.¹⁹⁵

In this way, immigration was yet again a major concern for Australian politicians. Aware of Australia's small population and geographic vulnerability, immigration,

¹⁹³ Alfred Deakin, 1906, quoted in NK Meaney, 'The problem of "Greater Britain" and Australia's strategic crisis 1905–1914', in NK Meaney, J Curran & S Ward (eds), *Australia and the wider world: selected essays of Neville Meaney*, Sydney University Press, Sydney, 2013, p. 175.

¹⁹⁴ Bastian, *Andrew Fisher*, pp. 277–78.

¹⁹⁵ GF Pearce, quoted in J Connor, *Anzac and empire: George Foster Pearce and the foundations of Australian defence*, Cambridge University Press, New York, 2011, p. 13.

while remaining racially selective, was tentatively encouraged. A short-lived immigration boom eventuated, and by 1913 Australia's population had increased by approximately 30%.¹⁹⁶ This desire to increase Australia's population, however, did little to change previously held notions regarding the composition of Australia's future population. Despite an almost negligible threat to the composition of Australian society, Australian immigration authorities were still primarily concerned with a potential immigrant's 'race' and ethnicity.¹⁹⁷ As a consequence, government authorities continued to look towards Great Britain as the most desirable source of potential migrants.¹⁹⁸

In an attempt to encourage and entice British immigration, the Deakin Government 'reactivated old schemes and agencies', reintroduced subsidies, and offered incentives to potential and favourable passengers.¹⁹⁹ As a result, 393 048 British immigrants arrived in Australia between 1906 and 1914²⁰⁰, with approximately half of this number a direct result of the governments' various assistance packages.²⁰¹ Nonetheless, despite the large number of British arrivals, the recruitment drives of successive Australian governments actually failed to meet their desired targets and, as a consequence, they were forced to look towards other European countries for potential suitable migrants.²⁰² Between 1911 and 1914, for example, over 3000 immigrants arrived from the Russian Empire.²⁰³ The federal government took on the responsibility of selecting migrants in 1920 and took over all of the migration operations in the United Kingdom the following year. Most migrants arriving from England were assisted under the *Empire Settlement Act 1922* with costs equally shared between Britain and Australia.²⁰⁴

¹⁹⁶ K O'Rourke, JG Williamson & TJ Hatton, 'Mass migration, commodity market integration and real wage convergence: the late-nineteenth-century Atlantic economy', in T Hatton & J Williamson (eds), *Migration and the international labor market 1850–1939*, Routledge, New York, 1994, p. 199.

¹⁹⁷ E Richards, *Destination Australia: migration to Australia since 1901*, University of New South Wales Press, Sydney, 2008, p. 31.

¹⁹⁸ Martin, 'The White Australia Policy', p. 48.

¹⁹⁹ Richards, *Destination Australia*, p. 42.

²⁰⁰ Hawkins, *Years in immigration*, p. 15.

²⁰¹ National Archives of Australia, An example of the type of information published by the Millions Farms campaign Committee, A457 1400/5, Pt 2, Image no. 15; Prime Minister's Department, Immigration Encouragement Bonus System, A457, B400/2.

²⁰² Richards, *Destination Australia*, p. 42.

²⁰³ E Govor, *Russian Anzacs in Australia history*, University of NSW Press, Sydney, 2005, p. 23.

²⁰⁴ M Klapdor, M Coombs & C Bohm, *Australian citizenship: a chronology of major developments in policy and law*, Department of Parliamentary Services, Canberra, 2009, p. 6.

In 1920 the federal government also amended the *Nationality Act* so that applicants for naturalisation would have to advertise their intent, renounce their own nationality and prove that they could read and write in English.²⁰⁵ While the *Nationality Act 1920* dropped explicit references to 'race', it introduced a definition for a 'natural born' British subject as well as the residence requirements for naturalisation. However, applicants continued to be excluded on the basis of 'race'. Galligan and Winsome highlight a notable example, the case of Pedro Bautista, who was an American citizen born in the Philippines to a Philippine Father.²⁰⁶ Bautista, who was described as 'an alien of Spanish-American nationality' of 'excellent character', ultimately had his application for naturalisation rejected despite nothing in the Act to suggest his ineligibility.²⁰⁷ Rather, it was his 'colour' and racial background that proved problematic, with the Department of Home and Territories noting that it was nevertheless common practice 'not to naturalize natives of Asia, Africa or the Islands of the Pacific.'²⁰⁸ Australian identity was consequently founded on three distinct yet interrelated components: racial 'whiteness', 'Britishness', and 'Australianness'²⁰⁹, while the nationality of most of those who may have considered themselves to be 'Australian' remained British, under law, until 1949.²¹⁰

The beginnings of the White Australia policy had thus effectively laid the foundations of a powerful legacy, one that would remain in force until 1973. In fact, as Tavan notes, the White Australia policy effectively provided a 'morally imbued affirmation of the type of society Australians wanted to build': 'white', British, 'cohesive, conformist, liberal-democratic and egalitarian.'²¹¹ Ultimately, the restrictions imposed by the Acts proved to be highly effective in excluding 'non-white' immigrants and with the exception of those granted temporary entry (businessmen, students and distinguished visitors), the vast majority of immigrants

²⁰⁵ *Nationality Act 1920 (No 48)*, viewed 7 February 2014, http://www.austlii.edu.au/au/legis/cth/num_act/na192048o1920196/.

²⁰⁶ Galligan & Winsome, *Australian citizenship*, p. 39.

²⁰⁷ Remarks by the Department of Home and Territories regarding Pedro Bautista, quoted in Galligan & Winsome, *Australian citizenship*, p. 39.

²⁰⁸ *ibid.*

²⁰⁹ G Tavan, *The long, slow death of White Australia*, p. 13.

²¹⁰ Klapdor, Coombs & Bohm, *Australian citizenship*, p. 6.

²¹¹ Tavan, *The long, slow death of White Australia*, p. 19.

granted entry into Australia after Federation were 'white' settlers from the British Isles.²¹²

5.8 Conclusion

As the chapter has shown, exclusionist sentiments originating from a global race ideology that advanced and justified notions of innate 'white-Anglo' superiority have been used consistently throughout Australian history to exclude the 'Other'. While historically, Australia's 'Other' has been 'non-whites', during this period, the 'Other' has largely focused on Asians. During the official policy of White Australia, certain 'races', such as the Chinese, were specifically targeted and excluded from full participation in Australian society. Immigration control was the primary focus of the new Commonwealth of Australia following Federation in 1901. Few people, except those badly affected through exclusion or forced repatriation (primarily the Chinese and Pacific Islanders), disputed the imperial ideology of 'white supremacy' or the mix of religious, economic and scientific rationales that were used to advance its political power.

Early Australian governments continued to hold deeply discriminatory views of 'non-white' 'races' that was fuelled by fears of miscegenation, cultural incompatibility and concerns that cheap foreign labour would threaten employment and wage rates of 'white' Australians. In fact until the abolition of the White Australia policy in 1973, Australia deliberately sought to exclude other 'non-white' 'races' through harsh, discriminatory immigration policies. Thus, rather than trying to increase Australia's population through the acceptance of 'non-whites' as citizens, or through wider immigration schemes, Australia was determined to increase its settler population without jeopardising the chance for a 'white' Australia.

With the policies of White Australia remaining at the core of Australian ideology until its abolishment in 1973, the following chapter charts Australia's move away from a White Australia towards multiculturalism. Through an examination of the economic imperative to 'populate or perish', the embracement of multiculturalist policies and the emergence of 'boat people', the following chapter highlights the

²¹² Jupp, *International Migration Review*, pp. 208–09.

increasingly covert but ever-relevant nature of racism in Australian asylum seeker policy.

Chapter 6

Towards a Multicultural Australia

‘This Chinese is said to have been here for twenty years, and obviously therefore, is not a wartime evacuee. Speaking generally, I think that there is some claim for him to be regarded as a resident of Australia, and I have no doubt that his certificate can be extended from time to time as it has been extended in the past. An error may have been made in his case. The gentleman’s name is Wong. There are many Wongs in the Chinese community, but I have to say – and I am sure that the honourable member for Balaclava will not mind me doing so – that “two Wongs do not make a White”.’¹

‘I’m not having hundreds of fucking Vietnamese Balts coming into this country with their political and religious hatreds.’²

The events of the Second World War changed the world dramatically. As the largest and most destructive armed conflict in human history, it not only physically decimated the European continent, but shattered the fundamental institutions that held its countries together. With the economy in tatters and political systems fragmented, the war left Europe fractured and broken.³ It was, as Lukacs describes, ‘the end of the European age; the end of colonial empires; and perhaps the end of the entire Modern Age.’⁴

In addition to the physical and political destruction, the war had served as a backdrop for the Shoah and the massacres of millions by the Japanese and Soviet Union.⁵ By

¹ Arthur Calwell, speech on Australia’s immigration policy in the House of Representatives, 2 December 1947, in S Warhaft (ed.), *Well may we say: the speeches that made Australia*, Black, Melbourne, 2004, p. 246.

² Gough Whitlam, 1975, quoted in P Kelly, *The march of patriots: the struggle for modern Australia*, Melbourne University Press, Carlton, 2009, p. 191.

³ K Lowe, *Savage continent: Europe in the aftermath of World War II*, Viking, London, 2013.

⁴ J Lukacs, *The legacy of the Second World War*, Yale University Press, New Haven, CT, 2010, pp. 16–17.

⁵ While a detailed analysis of the Second World War is beyond the scope of this thesis, it is important to recognise significant massacres of Chinese and Korean civilians by the Japanese Army and

the end of the war, over 65 million⁶ people had lost their lives and more than 30 million people had been left stateless.⁷ As a result, mass displacement occurred on a previously unimaginable scale.⁸ Between 1945 and 1970, over 20 million Germans⁹ and 8–10 million non-Germans were displaced in Europe alone.¹⁰ Living in makeshift camps throughout Western Europe and unable to return to their homelands, these refugees began to leave Europe in their millions. While some emigrated voluntarily or were resettled in safe countries, others were forcibly repatriated.¹¹

6.1 Background

The unprecedented number of refugees demanded a globally cooperative response and led to the development of an international refugee regime. As previously discussed in Section 4.3, in 1950 the establishment of the United Nations High Commissioner for Refugees (UNHCR) formalised refugee protection and in the following year, the Convention relating to the Status of Refugees consolidated the

captured Polish officers by the Soviet secret police. See A Paul, *Katyn: the untold story of Stalin's Polish massacre*, Scribner, New York, 1991; G Sanford, *Katyn and the Soviet massacre of 1940: truth, justice and memory*, Routledge, Abingdon, Oxon, 2005; I Chang, *The rape of Nanking: the forgotten holocaust of World War II*, Penguin, New York, 1998; K Honda & F Gibney (eds), *The Nanjing massacre: a Japanese journalist confronts Japan's national shame*, Studies of the Pacific Basin Institute, Armonk & East Gate Book, New York, 1999; P Li (ed.), *Japanese war crimes: the search for justice*, Transaction Publishers, New Brunswick, NJ, 2003.

⁶ Statistics regarding the total number of fatalities during the Second World War vary significantly, with estimates ranging from 60 million to more than 80 million. This variance is due to a number of factors, including but not limited to, the quality and reliability of sources and the different criteria used to document the total number of deaths (e.g., 'battlefield deaths only'). For a detailed analysis see M Leitenberg, 'Deaths in wars and conflicts in the 20th century', *Cornell University Peace Studies Program occasional paper no. 29*, 3rd edn, viewed 12 March 2014, <http://www.cissm.umd.edu/papers/files/deathswarsconflictsjune52006.pdf>.

⁷ BS Chimni, 'The geopolitics of refugee studies: a view from the South', *Journal of Refugee Studies*, vol. 11, no. 4, 1998, pp. 358–59.

⁸ B Shephard, *The long road home: the aftermath of the Second World War*, Vintage, London, 2011; T Kushner & K Knox, *Refugees in an age of genocide: global, national and local perspectives during the twentieth century*, Frank Cass, Abingdon, Oxon, 1999, chap. 6, pp. 172–212; M Wyman, *DPs: Europe's displaced persons, 1945–1951*, Cornell University; Associated University Presses, New York, 1989.

⁹ The division of Germany following the Second World War created a new homeless group—the *Volksdeutsche*, homeless ethnic Germans from non-German speaking countries.

¹⁰ EF Kunz, *Displaced persons: Calwell's new Australians*, Australian National University Press, Sydney, 1988, p. 29.

¹¹ M Elliott, 'The United States and forced repatriation of Soviet citizens, 1944–47', *Political Science Quarterly*, vol. 88, no. 2, 1973, pp. 254–57; PM Polian, *Against their will: the history and geography of forced migrations in the USSR*, Central European University Press, New York, 2004, pp. 115–81.

definition of ‘refugee’ and outlined the rights of those rendered stateless.¹² While the international refugee regime was largely created as a way to strengthen stability and security in the postwar epoch, it was also a reflection of the widespread horror and remorse felt by the international community. The desire to make amends and to ensure such crimes against humanity could never be repeated led to a growing concept of inalienable human rights.¹³

International revulsion at the atrocities committed by the Nazi regime, along with significant developments in race thinking¹⁴, raised questions about Australia’s highly restrictive immigration policies. The overt racist nationalism of White Australia was no longer defensible. Thus in 1947, with a population of 7 370 358¹⁵, Australia embarked on a large-scale immigration program under an atmosphere of ‘populate or perish’.¹⁶ The program heralded a great change in Australia’s immigration policies and over the following 15 years, more than 1 million migrants were settled in Australia.¹⁷

By 1951 Australia had settled over 180 000 displaced persons.¹⁸ Although these had, in the majority, been specifically selected for resettlement, the Australian Government remained keenly desirous of maximising its intake of non-refugees. Therefore, with this intention in mind, the Australian Government concurrently

¹² A Betts & G Loescher, ‘Refugees in international relations’, in A Betts & G Loescher (eds), *Refugees in international relations*, Oxford University Press, New York, 2011, p. 8; A Betts, G Loescher & J Milner, *UNHCR: the politics and practice of refugee protection into the 21st century*, 2nd edn, Routledge, New York, 2012, pp. 2–7.

¹³ Betts & Loescher, ‘Refugees in international relations’, pp. 8–10; D Maul, *Human rights, development and decolonization: the International Labour Organization, 1940–70*, Palgrave MacMillan, New York, 2012, pp. 2–6; P Grossrieder, ‘Humanitarian action in the twenty-first century: the danger of a setback’, in KM Cahill (ed.), *History and hope: the international humanitarian reader*, Fordham University Press & Centre for International Humanitarian Cooperation, New York, 2013, pp. 19–20.

¹⁴ UNESCO, ‘Statement on the nature of race and race differences’, *Four statements on the race question*, Paris, June 1951, viewed 11 March 2013, <http://unesdoc.unesco.org/images/0012/001229/122962eo.pdf>; Montagu, *Man’s most dangerous myth*. The horrors of the Second World War led to this UNESCO statement, which asserted that race was less a biological phenomenon than a social myth.

¹⁵ S Castles, ‘The “new” migration and Australian immigration policy’, in C Inglis, S Gunasekaran, G Sullivan & CT Wu (eds), *Asians in Australia: the dynamics of migration and settlement*, Allen and Unwin, St Leonards, NSW, 1992, p. 62.

¹⁶ Jupp, *From White Australia to Woomera*, p. 162. The slogan was given greater force in the aftermath of the Second World War.

¹⁷ Department of Immigration and Multicultural Affairs (DIMA), Statistics Section, *Immigration: Federation to century’s end. 1901–2000*, DIMA, Canberra, 2001, p. 18.

¹⁸ J Collins, *Migrant hands in a distant land: Australia’s post war immigration*, 2nd edn, Pluto Press, Leichardt, NSW, 1991, p. 23.

embarked on a series of formal migration agreements with ‘appropriate’¹⁹ European countries.²⁰

Overall, the refugees from Europe who settled in Australia between 1946 and 1976 had a contradictory impact on Australian migration patterns.²¹ Although they challenged the largely British norm and were subjected to some hostility, these refugees were not widely regarded as a fundamental threat to the White Australia policy. Instead, they were promoted at a state level because of their contribution to the workforce and were distinguished from other migratory ‘threats’ from Asia. This Chapter will examine the changing attitudes of Australian immigration and the move from a White Australia to a gradual acceptance of multiculturalism.

6.2 A Brief History

Throughout the 1930s and 1940s, Australian governments had explicitly championed mass immigration from Great Britain. British immigrants were not only racially desirable²², but were believed to be integral to the defence and development of the Australian nation.²³ Consequently, between the war years of 1939 and 1945, 221 227 British migrants immigrated to Australia—most via assisted passages provided by the Empire Settlement Scheme.²⁴ However, despite constituting almost two-thirds of

¹⁹ RT Appleyard, ‘Post-war non-British migration’, in J Jupp (ed.), *The Australian people*, 2001, p. 67. While immigration programs were negotiated with the Netherlands, Italy, Australia, Belgium, West-Germany, Greece and Spain.

²⁰ A Markus, ‘Labour and immigration 1946–9: the displaced persons program’, *Labour History*, no. 47, 1984, p. 76.

²¹ McMaster, *Asylum seekers*, pp. 42–46.

²² See for example, comments made by Arthur Samuel Drakeford, member for Maribyrnong, regarding non-British immigration: Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 40, 6 October 1938, pp. 502–07, and WM Hughes: ‘We believe in a White Australia, and a British White Australia at that. This morning I was confronted with the information in my newspaper that Italians are coming to this country under some arrangement ... In the name of goodness, is there to be no end to this relationship? What are we trying to do? To whom does this country belong, to us or to Mussolini?’ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 40, 6 October 1938, p. 502.

²³ ‘Immigration is a matter which is very near to my heart. Even though the menace from Japan has passed, Australia still needs to build up its defence. Other powers may threaten it in future, and, in the interests of national safety, attention to the necessity for a large influx of population is essential’. Commonwealth of Australia, *Parliamentary Debates*, Senate, no. 38, 20 September 1945, p. 5671 (Hattil Spencer Foll, Senator for Queensland); J Jupp, *Immigration*, 2nd edn, Oxford University Press, South Melbourne, 1998, p. 90.

²⁴ *ibid.*, pp. 90–91: The objective of the *Empire Settlement Act 1922* was ‘to make better provision for furthering British settlement in His Majesty’s Overseas Dominions’. F Alexander, ‘Australia since the war’, in E Scott (ed.), *Australia. Cambridge history of the British Empire*, vol. VII, pt. 1 of J Holland

the net immigration for that period, the scheme was largely perceived as a failure, with the number of arrivals far below the number expected.²⁵

This overall failure was the result of a number of different circumstances. Many of the British immigrants had arrived in Australia from urban areas of the United Kingdom and found themselves in a foreign land that was extremely different from the 'paradise' promised. While others had arrived hoping to find employment only to find that Australia was suffering from mass unemployment in the midst of the Great Depression and as a consequence, soon returned home to Britain.²⁶ The impact of the policy, according to Prime Minister Joseph Lyons, had seen Australia suffer 'a very unsatisfactory net loss of its British population and an increase in the 'white alien population'.'²⁷

In addition to the assisted British migrants, a small number²⁸ of refugees were granted permission to settle in Australia. Between 1920 and 1938 approximately 2000 Jews and pro-Tsarist Russians, along with a small number of Italian anti-fascists, migrated to Australia after being displaced from their homelands.²⁹ The Australian Government, however, was not concerned with their persecution; rather, the small number³⁰ of refugees who settled in Australia gained entry through the standard immigration requirements and processes of the White Australia policy.³¹

Rose, A Newton & E Benians (eds), *The Cambridge history of the British Empire*, Cambridge University Press, Cambridge, 1988 (1st pub. 1933), p. 620.

²⁵ For example, statistics show that in 1945 there were 12 319 British arrivals compared to 16 010 British departures. In 1946, there were 27 289 arrivals compared to 37 295 departures. See: R Wilson, *Official yearbook of the Commonwealth of Australia*, no. 37, 1946 & 1947, Commonwealth Bureau of Census and Statistics Canberra, 1950, p. 732, viewed 10 June 2014, [http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/4087A1CA4E0A0AEFCA257AF30012E735/\\$File/13010_1946-47_bk37.pdf](http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/4087A1CA4E0A0AEFCA257AF30012E735/$File/13010_1946-47_bk37.pdf).

²⁶ During this period Australia remained reluctant to accept large-scale 'non-white' immigration. See for example, the debates surrounding the Aliens Registration Bill 1939: Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 24, 15 June 1939 pp. 2014–15 (William Hutchinson, member for Deakin) & pp. 2016–17 (Thomas Scholfield, member for Wannan); Jupp, *Immigration*, p. 91.

²⁷ PM Joseph Lyons, quoted in Richards, *Destination Australia*, pp. 130–31.

²⁸ Neumann, *Refuge Australia*, p. 16. According to Neumann, the refugees made up 'only 2 per cent of the non-indigenous population [that] was not of Anglo-Celtic ancestry.'

²⁹ *ibid.*, p. 15.

³⁰ *ibid.*, p. 16. See also: National Archives of Australia, Department of Home and Territories, Central Office, A1, Correspondence files, annual single number series, 1920–1922, 1922/956 & Russians Refugees Constantinople. Admission of 1920–1922.

³¹ *ibid.*; L Kepple, 'Jewish immigrants in Australia before, during and after WWII', *The Monitor*, Winter 2009, p. 26, viewed 1 December 2013, <http://web.wm.edu/so/monitor/issues/15-1/2-kepple.pdf>. For non-British prospective immigrants, compliance with the White Australia policy

Later, as the international community became increasingly aware of the plight of the Jews at the hands of Hitler's Nazi Party, the Australian Government was forced to consider the possibility of providing assistance to some of the many refugees who were fleeing persecution in Germany and Europe. However in 1938, at the Intergovernmental Committee for Political Refugees meeting (Evian Conference) in France, Australia declared that it had already done its part and could not increase its quota. In fact, at the start of the war, Prime Minister Curtin had reaffirmed Australia's commitment to a White Australia by declaring that Australia would 'remain forever the home of the descendants of those people who come here in peace in order to establish in the South Seas an outpost of the British race.'³² The ensuing hostilities however, forced the Curtin Government to slightly soften its stance and during the war approximately 15 000 refugees, including 5473 'non-white' refugees, were granted permission to stay for the duration of the conflict.³³

6.3 War Refugees

6.3.1 The Jews

On March 23 1938, President of the United States Franklin D Roosevelt called for an international conference to address the problem of Jewish refugees and on July 6 that same year, official delegations from 32 different countries³⁴ met at the French resort of Evian. The Evian Conference had been organised in the hopes of finding a solution to the increasing problems of forced migration and mass displacement.

necessitated European ancestry. After 1930, all non-British prospective immigrants were also required to possess a landing permit, which was generally supplied only to those who had money or had been nominated by an Australian resident. Moreover, the use of the White Australia policy allowed the government to prohibit any 'undesirables' from entering Australia.

³² J Curtin, quoted in S Petrilli & A Ponzio, 'Migration and hospitality: homologies between Europe and Australia', in R Summo-O'Connell (ed.) *Imagined Australia: reflections around the reciprocal construction of identity between Australia and Europe*, Peter Lang, New York, 2009, p. 319.

³³ PMC Hasluck, *The government and the people, 1939-1941*, Australia in the War of 1939-1945, Series 4: Civil, vol. 1, Australian War Memorial, Canberra, repr. 1965, pp. 593-98.

³⁴ E Estorick, 'The Evian Conference and the Intergovernmental Committee', *Annals of the American Academy of Political and Social Science*, vol. 203, May 1939, p. 136. The countries officially represented were: Australia, the Argentine Republic, Belgium, Bolivia, Brazil, United Kingdom, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, France, Guatemala, Haiti, Honduras, Ireland, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, Switzerland, the United States, Uruguay and Venezuela. In addition, the Union of South Africa attended as an observer, while Polish and Rumanian representatives attended in an unofficial capacity.

However, while it had noble intentions, the conference failed to deliver real change.³⁵

In considering the possibility of providing sanctuary for a number of Jewish refugees in Australia, Lt Colonel Thomas Walter White³⁶, head of the Australia delegation had expressed sympathy for those displaced and stateless but contended Australia done its part and could do no more.³⁷ As such a young nation, White explained, Australia could not be expected to accept an unassimilable influx of ‘non-British subjects’. More importantly, he continued, it should ‘no doubt be appreciated’ that Australia has ‘no real racial problem . . . [and is] not desirous of importing one by encouraging any scheme of large-scale foreign migration’.³⁸ Nevertheless, at the conclusion of the conference, Australia reluctantly³⁹ consented to accepting 15 000, mostly Jewish, refugees.⁴⁰

Importantly, the acceptance of the 15 000 refugees was conditional, and the desire to keep Australia ‘white’ continued to eclipse all other migration sensibilities. As John McEwen, Minister of the Interior told parliament:

Although the refugee problem is one quite apart from the general question of immigration, that it deals with the specific question of the amelioration of the conditions of oppressed people, at the same time it is essential that it should be considered in relation to the general question of immigration so far as the Commonwealth is concerned. The Government has decided, therefore, that, on broad lines, the

³⁵ *ibid.*, pp. 136–141. While all countries indicated a willingness to assist the refugees, they invariably highlighted economic, physical and political barriers that prevented them from doing so.

³⁶ DR Laffer, ‘The Jewish trail of tears: the Evian Conference of July 1938’, MA thesis, University of South Florida, 2011, p. 157, viewed 22 March 2014, <http://scholarcommons.usf.edu/etd/3195>. It is pertinent to note that TW White was openly opposed to immigration.

³⁷ *ibid.*, pp. 177–79.

³⁸ TW White, then Minister for Trade and Customs, quoted in B Miller, *William Cooper, gentle warrior: standing up for Australian Aborigines and persecuted Jews*, Xlibris, Gordon, NSW, 2012, p. 259.

³⁹ This reluctance is exemplified through parliamentary debates, which outlined the specific conditions of refugee entry. Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 40, 6 October 1938, pp. 503–07 (Arthur Samuel Drakeford, Member for Maribyrnong); Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 38, 22 September 1938, pp. 96–99 (Frank Brennan, Member for Batman); Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 48, 1 December 1938, pp. 2534–36 (John McEwen, Member for Indi).

⁴⁰ A Calwell, *Be just and fear not*, Lloyd O’Neil, Hawthorn, Vic, 1972, p. 110. Hostilities in Europe prevented the emigration of many of these refugees and by 1945, only 6475 had arrived in Australia.

admission of refugees should conform to the same principles as those governing the entry of white aliens generally. . . In all cases, permits for the admission of these refugees, within the limits of the number which I have mentioned, will be granted strictly in accordance with the Government's general white alien immigration policy. . . Every refugee must be desirable as an individual, and of good character and of health, of which prior evidence must be forthcoming. He must have the approved amount of landing money. . . Desperate as is the need of many of these unfortunate people, it is not the intention of the Government to issue permits for entry influenced by the necessity of individual cases.⁴¹

Later, the need to maintain Australia's 'whiteness' as a main priority was reaffirmed by Labor politician and member for Batman, Frank Brennan, who noted that, despite Australia's 'tremendous spaces and expansiveness . . . its population is not increasing at anything like the rate we should desire'; therefore, he continued, 'the very widest opportunity should be given and encouragement extended to the whiteraces [sic] of the world to come to Australia.'⁴²

With the declaration of war in September 1939, the Australian Government froze all immigration⁴³ and declared Jewish refugees already living in Australia as 'enemy aliens'.⁴⁴ Classified as such, the Jews were then placed under restrictions or internment. Notably, and despite an awareness of the anti-Nazi persuasion of 2000

⁴¹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 48, 1 December 1938, pp. 2534–36 (John McEwen, Minister of the Interior).

⁴² Frank Brennan, Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, 5 May 1939 (Frank Brennan), viewed 17 October 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=customrank;page=0;query=Content%3Aalien%20Content%3Aimmigration%20Date%3A01%2F01%2F1932%20%3E%3E%2031%2F12%2F1940%20Dataset%3Ahansardr,hansardr80;rec=7;resCount=Default>.

⁴³ L Bartolomei & E Pittaway, 'An uncomfortable fit: Australia's refugee policy in a regional context', in C Tazreiter & SY Tham (eds), *Globalization and social transformation in the Asia-Pacific: the Australian and Malaysian experience*, Palgrave Macmillan, New York, 2013, p. 149. Due to the outbreak of war, only 7000 Jewish refugees made it to Australia,

⁴⁴ P Bartrop, *Australia and the Holocaust, 1933–1945*, Australian Scholarly Publishing, Melbourne, 1994, p. 215.

male German and Austrian Jews, the Australian Government then imprisoned them as a 'precautionary measure'.⁴⁵

Effectively, despite expressing concern for their plight, Australia did not regard Jewish immigration during this period as unique. Rather than understanding Jewish immigration as an outcome of mass displacement, the Australian Government continued to exclude and marginalise Jews as a consequence of race⁴⁶ and refused to see their situation as a refugee situation at all.

6.3.2 The Asiatics

In addition to the resettlement of Jewish refugees prior to the war, Australia had reluctantly provided a small number⁴⁷ of Asian refugees 'special exemption' from the policies of White Australia during the war. This exemption granted the 4400 'Asiatics' temporary sanctuary on the proviso that the refugees return to their own countries at the cessation of conflict.⁴⁸

By 1947, the vast majority⁴⁹ of these 'non-Europeans' had returned home. Those that remained had largely assimilated into Australian society. Some had married Australians and had Australian children while others had found permanent employment.⁵⁰ However, despite their successful assimilation and integration, Australia remained wholly committed to the maintenance of its 'whiteness' and ordered the deportation of all non-whites that remained.⁵¹

⁴⁵ M Bevege, *Behind barbed wire: internment in Australia during World War II*, University of Queensland Press, St Lucia, 1993, pp. 52–53; A Gill, *Interrupted journeys: young refugees from Hitler's Reich*, Simon & Schuster, East Roseville, NSW, 2004, p. 183.

⁴⁶ AF Corcos, *The myth of the Jewish race: a biologist's point of view*, Lehigh University Press, Bethlehem, 2005, p. 53. During this period, the Jewish were widely regarded as a distinct racial group.

⁴⁷ K Blackburn, 'Disguised anti-colonialism: protest against the White Australia policy in Malaya and Singapore, 1947–1962', *Australian Journal of International Affairs*, vol. 55, no. 1, 2001, p. 104. According to Blackburn, 6269 non-European refugees were granted 'special exemption'.

⁴⁸ *ibid.*

⁴⁹ P Andre & S Langford (eds), *Australia and the postwar world: the Commonwealth, Asia and the Pacific documents*, Department of Foreign Affairs and Trade, Canberra, 1998, p. 325; S Warhaft, 'Arthur Calwell two Wongs do not make a White', *Well may we say: the speeches that made Australia*, Black, Melbourne, 2004, p. 245. By 1947 only about 1000 non-Europeans who entered Australia during the war remained. Of these only 550 were 'Asiatics'.

⁵⁰ Andre & Langford (eds), *Australia and the postwar world*, p. 325.

⁵¹ 'Statement by the Minister for Immigration (the Hon. Arthur A. Calwell)', viewed 17 April 2014, http://www.immi.gov.au/media/history/deportation-repatriation/pdf/19471227_malayan_repatriation.pdf.

Despite a number of protests⁵², the Chifley Government refused to rescind their deportation and argued that a discretionary approach⁵³ to individual cases would impede the integrity of the White Australia Policy.⁵⁴ Accordingly, in 1948, the Chifley Government began a process of deporting those refugees who of their own volition, had not returned to their own countries at the end of the war.⁵⁵ While the blanket refusal of the Chifley Government to allow wartime refugees to remain in Australia despite paradoxically promoting immigration was clearly racist, the government justified its discriminatory policy by arguing it was economic, not racial concerns that had led to such policy⁵⁶ and, moreover, that it was required to ensure Australia's national security.⁵⁷

⁵² The Malaysian Government expressed its displeasure at Australia's decision to deport 14 Malayan seamen, noting that 'nothing could wash away the crime of having been born with a complexion of a different hue', see: 'Malayan protest at deportation of seamen', *The Canberra Times (ACT: 1926–1995)*, 18 November 1947, p. 1, viewed 1 May 2014, <http://nla.gov.au/nla.news-article2730538>. See also, Secret Cablegram to the Department of External Affairs advising of the 'hostile reaction' towards the deportations, see: Cablegram, 520 Massey to Department of External Affairs, Secret Cablegram 623 Singapore, 17 November 1947, AA: A1838,411/3/6/1/2, Australian Government Department of Foreign Affairs and Trade, Historical Documents, vol. 12, 1947 (other than Indonesia), viewed 17 April, <http://www.dfat.gov.au/publications/historical/volume-12/historical-document-12-520.html>. Similarly, sections of the Australian community reacted to the deportation of the Chinese and Japanese on the Formosa and Yoizuki, 'Has no sympathy for Formosans', *The Daily News* (Perth WA 1882–1950), 7 March 1946, 1 edn: City Final, viewed 1 March 2014, <http://nla.gov.au/nla.news-article78249264>; 'Protests Continue', *The Daily News* (Perth, WA: 1882–1950), p. 1, edn: City Final, 7 March 1946, viewed 1 March 2014, <http://nla.gov.au/nla.news-article78249263>. The deportations of two 'black' American boxers and 50 'coloured' workers from Broome's pearl-diving industry attracted significant criticism, Nicholls, *Deported*, pp. 86–87; Blackburn, 'Disguised anti-colonialism', p. 104; S Brawley, *The white peril: foreign relations and Asian immigration to Australasia and North America 1919–1978*, University of NSW Press, Sydney, 1995, p. 249.

⁵³ 'Dramatic move to keep Gwenda Yee in Australia', *The Cumberland Argus and Fruitgrowers Advocate* (Parramatta, NSW: 1888–1950), 27 August 1947, p. 1, viewed 1 March 2014, <http://nla.gov.au/nla.news-article105742079>. The 'discretionary approach' referred to the cases of individual 'Asiatics' who appealed their deportation.

⁵⁴ Nicholls, *Deported*, pp. 85–86; Brawley, *The white peril*, p. 249.

⁵⁵ These deportations were legalised through newly developed exclusionary legislation: The *Aliens Deportation Act* allowed the government to target and deport aliens whose character and conduct was such that they should not be allowed to reside in Australia. See: *Aliens Deportation Act 1948 (No. 84 of 1948)*; see also the *War-time Refugees Removal Act 1949 (No. 32 of 1949)*; Neumann, *Refugee Australia*, pp. 92–95; C Price, 'Immigration policies and refugees in Australia', *International Migration Review*, vol. 15, no. 1, 1981, pp. 99–100.

⁵⁶ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 25, 17 June 1948, p. 2222 (Leslie Haylen, Member for Parkes). Haylen asserted: 'It must be admitted that our White Australia policy is based not on racial antagonism but on economics.'

⁵⁷ 'Australia can't afford mixed', *Worker* (Brisbane, Qld: 1890–1955), 19 July 1948, p. 8, viewed 7 March 2014, <http://nla.gov.au/nla.news-article71434731>. Calwell warned that the 'ultimate result of allowing these people to remain would be the conquest of Australia by infiltration as surely as by direct assault.'

6.4 Postwar Immigration

The events of the Second World War, along with a growing international intolerance of racism⁵⁸ and a critical need to increase Australia's population, forced the Australian Government to amend existing immigration restrictions.⁵⁹ A period of significant reform and reconstruction soon followed, and one of the first priorities for the Chifley Labor Government was to rapidly increase Australia's population.⁶⁰

In late 1942, the Department of Post-War Reconstruction had been set up with economist Dr HC Coombs as director general and then Treasurer, Ben Chifley, as its minister.⁶¹ The department, along with a number of other agencies stressed an urgent need for Australia to increase its population.⁶² Soon Australia's declining birth rate, fears of Japanese invasion and a need to develop resources and industry to enhance Australia's defensive capabilities, brought about a new interest in immigration.⁶³

With an increase in Australia's population earmarked as a significant priority, in 1945, the Chifley Government established a new government department that would focus exclusively on immigration—the Commonwealth Department of Immigration.⁶⁴ Despite only having five years of parliamentary experience, Arthur Calwell became Australia's first immigration minister. Calwell, a strong proponent of the White Australia policy and advocate of bold immigration policy, immediately set to work and soon began promoting an ambitious immigration policy.⁶⁵

Calwell's policy called for a drastic and rapid increase in Australia's population.

⁵⁸ M Adhikari, *Not white enough, not black enough: racial identity in the South African coloured community*, Double Storey Books, Cape Town, 2006, p. 113; F Furedi, *The silent war: imperialism and the changing perception of race*, Rutgers University Press, New Brunswick, NJ, 1998, p. 160.

⁵⁹ A Haebich, *Spinning the dream: assimilation in Australia 1950–1970*, Fremantle Press, Fremantle, 2008, p. 24.

⁶⁰ B Leuner, *Migration, multiculturalism and language maintenance in Australia: Polish migration to Melbourne in the 1980s*, Peter Lang, New York, 2008, p. 37.

⁶¹ B Duncan, *Crusade or conspiracy?: Catholics, and the anti-communist struggle in Australia*, University of NSW Press, Sydney, 2001, p. 53.

⁶² *ibid.*

⁶³ Hasluck, *The government and the people, 1942–1945*, 1st edn, Australia in the War of 1939–1945, Series 4: Civil, vol. 2, Australian War Memorial, Canberra, 1970, p. 386.

⁶⁴ AM Jordens, *Alien to citizen: settling migrants in Australia*, Allen and Unwin, St Leonards, NSW, 1997.

⁶⁵ G Tavan, 'Leadership: Arthur Calwell and the post-war immigration program', *Australian Journal of Politics and History*, vol. 58, no. 2, 2012, p. 208.

If the experience of the Pacific war has taught us one thing, it is surely that seven million Australians cannot hold three million square miles of this earth's surface indefinitely. We shall indeed be fortunate if our right to possess this continent is not challenged again in 25 or 30 years – maybe even sooner. Australia can increase her population three-fold or more and provide full employment and adequate living standards for everybody. We have known that fact for nearly half a century, but have lived in a world of illusion and never thought that with even that number of people we would have difficulty in keeping an invader from our shores.⁶⁶

According to Calwell, increased immigration would help meet the nation's defensive capabilities and would allow for further (and necessary) nation building and development.⁶⁷ Therefore, Calwell's policy called for an annual increase target of 2%—Australia's maximum absorptive capacity—to be achieved through a 1% natural increase and 1% immigration. It was an ambitious target, with such an increase amounting to an annual immigration intake of 70 000 persons per year.⁶⁸ Calwell's immigration rhetoric repopularised the 'populate or perish' dogma—Australia desperately needed to increase its population or would face imminent attack.

Nevertheless, despite a drastic need to increase its population, Australia was still not prepared to accept 'non-white' migrants.⁶⁹ Indeed, the policies of a White Australia remained firmly linked to national identity—it was desirable that Australia would remain one people, culturally British and with common ideals.⁷⁰ A campaign to attract British migrants was therefore immediately organised, and soon an assisted

⁶⁶ A Calwell, *How many Australians tomorrow?*, Reed and Harris, Melbourne, 1945, p. i.

⁶⁷ CA Price, 'Post-war immigration: 1945–1998', *Journal of the Australian Population Association*, vol. 15, no. 2, 1981, p. 17; Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 35, 30 August 1945, pp. 5041 & 5047 (Arthur Calwell, Member for Melbourne).

⁶⁸ A Calwell, *Immigration, policy and progress*, Commonwealth of Australia, Canberra, 1949, pp. 15–16; A Calwell, *Be just and fear not*, pp. 97–100; National Archives of Australia, Cablegram, Chifley to Attlee, Document 310, Canberra, 11 December 1946, AA A3196; *Documents on Australian foreign policy*, vol. 10, July–December 1946, Department of Foreign Affairs and Trade, viewed 17 January, 2014, <http://www.dfat.gov.au/publications/historical/>.

⁶⁹ See for example, Australia's attitudes towards potential Indian immigrants: National Archives of Australia, Dispatch 52/46, Mackay to Evatt, Document 331, New Delhi, 22 December 1946, Canberra AA:A1067, M46/9/21; *Documents on Australian foreign policy*, vol. 10.

⁷⁰ E Kunz, 'The genesis of the post-war Immigration Programme and the evolution of the Tied-Labour Scheme', *Ethnic Studies*, vol. 1, 1977, p. 31.

passage scheme was ratified between Australia and the United Kingdom in order to start the flow of acceptable migrants.⁷¹

The preferred migrant⁷²—unanimously agreed upon—was determined as British, male and single with a nominator in Australia to guarantee their employment and accommodation.⁷³ Irrespective of such determination, it soon became clear that an immigration program targeting British migrants alone would not fill Australia's ambitious immigration quotas and, as a consequence, the Chifley Government was forced to look towards other countries for alternative migrant possibilities.⁷⁴

In September 1944, a sub-committee was set up to investigate the viability of 'white' alien (European) immigration to Australia. As part of its findings, the sub-committee had reiterated Calwell's need for a drastic increase to Australia's population and asserted that Australia could no longer 'afford to be too exclusive.'⁷⁵ Accordingly, it concluded that while British migrants were still evidently the most desirable, migrants from other 'white' European nations could (and should) be considered.⁷⁶

Potential 'white' European migrants were summarily ordered in terms of their desirability. Notwithstanding the British, Americans were first, followed by

⁷¹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 31, 2 August 1945, pp. 4911–15 (Arthur Calwell, Member for Melbourne).

⁷² In addition, children were regarded as 'the best immigrant' as they would easily assimilate, were highly adaptable, had a long working life ahead of them and could be cheaply accommodated. While the desire to attract child migrants lies outside the scope of this thesis, for further information, see: B Coldrey, *Good British stock: child and youth migration to Australia, 1901–83*, Research Guide no. 11, National Archives of Australia, Canberra, 1999.

⁷³ AA Calwell, 'British migration to Australia', *Statement by the Hon. Arthur A. Calwell, MHR, Minister for Immigration*, 5 March 1946, viewed 2 December 2013, http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CEIQFjAD&url=http%3A%2F%2Fwww.immi.gov.au%2Fabout%2Fanniversary%2Fpdf%2F01-statements-vol1-british-migration.pdf&ei=aF1uU8WHJcTRkwW_2YDAAw&usq=AFOjCNE4BjF4YggaVJqNJhpY5UQNqVLv8Q&sig2=kEMmbWae2EeY2G8xfySHMQ; Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 32, 9 August 1946, pp. 4202–06 (Arthur Calwell, Member for Melbourne).

⁷⁴ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 31, 2 August 1945, pp. 4911–15 (Arthur Calwell, Member for Melbourne).

⁷⁵ Sub-committee on White Alien Immigration consisting of J Horgan and AR Peters of the Department of Interior, and WD Forsythe, Department of External Affairs, memo, pp. 1–19, 21 September 1944, Post War Migration, Australian Archives Office, CRS A373, item 7786/89, p. 16; J Zubrzycki, A Calwell and the origin of post-war immigration Canberra, White Alien Immigration Report, 1944, Extracts from the White Alien Immigration Report of 21 September 1944, Sub-committee on White Alien Immigration, *Bureau of Immigration, Multicultural and Population Research*, 1995, viewed 12 December 2013, http://www.multiculturalaustralia.edu.au/doc/zubrzycki_2.pdf.

⁷⁶ *ibid.*

Scandinavians (Norwegians, Swedes and Danes), the Dutch, Belgians, the Swiss, Yugoslavs, Greek and Albanians.⁷⁷ Most importantly, however, Calwell noted in 1945, if Australia really wanted ‘more people’, it was imperative for Australia to change its ‘attitude towards immigrants from foreign countries.’⁷⁸

6.4.1 The IRO and the Refugees from Europe

In 1947, millions of refugees remained stateless and many were still waiting in various camps throughout Europe.⁷⁹ The war had resulted in an unprecedented crisis of displacement. In response, the Economic and Social Council of the United Nations (ECOSOC) had established the International Refugee Organization (IRO)⁸⁰ and repatriated or relocated over 1 million European refugees for overseas settlement.⁸¹

In the postwar period, Australia was still strongly influenced by the policies of a White Australia and thus despite ‘wanting to be associated’⁸² with the IRO, had initially refused to vote or support the motion in the United Nations General Assembly.⁸³ Eventually, however, under strong international pressure, the Australian Government agreed⁸⁴ to support the IRO and on 21 July 1947, Calwell reluctantly signed an agreement with the Preparatory Commission of the IRO that outlined Australia’s commitment ‘to accept an annual minimum of 12 000⁸⁵ [European] refugees.’⁸⁶

⁷⁷ *ibid.*

⁷⁸ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 31, 2 August 1945, p. 4914 (Arthur Calwell, Member for Melbourne, quoting Percy Claude Spender).

⁷⁹ E Kunz, *Displaced persons*, pp. 34 & 134; M Nemni & M Nemni, G Tombs (trans.), *Trudeau Transformed: the shaping of a statesman 1944–1965*, McClelland & Stewart, Toronto, 2011, p. 125; G Steinacher, *Nazis on the run: how Hitler’s henchmen fled justice*, Oxford University Press, Oxford, 2011, p. 5.

⁸⁰ See Chapter 4.

⁸¹ JC Hathaway, *The rights of refugees under international law*, Cambridge University Press, Cambridge, 2005, p. 91. Over 1 million refugees were resettled or repatriated between 1947 and 1951.

⁸² B Murphy, *The other Australia: experiences of migration*, Cambridge University Press, Melbourne, 1993, p. 93.

⁸³ Murphy, *The other Australia*, pp. 92–94; E Pittaway, ‘A brief history of refugee policy in Australia’, *The Refugee Convention, Where to from here?*, MOTS PLURIELS, no. 21, May 2002, viewed 7 February, 2014, http://motspluriels.arts.uwa.edu.au/MP2102edito1_1.html.

⁸⁴ Beasley to Chifley, 1 May 1947, repr. in WJ Hudson & W Way (eds), *Documents on Australian foreign policy 1937–49*, vol XII, Department of Foreign Affairs, Canberra, 1995, p. 484.

⁸⁵ This was later increased to reflect an annual minimum of 20 000, see: Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 48, 28 November 1947, p. 2923.

⁸⁶ RT Appleyard, ‘Post-war non-British migration’, in Jupp (ed.), *The Australian people*, 2001, p. 65; DFAT, vol. 12: 1947 (other than Indonesia), 283 Agreement with the International Refugee Organisation, Evatt Collection, Immigration, A Calwell ‘Secret Agreement’, 21 July 1947, viewed 2

While Calwell had made some claims to Australia's humanitarianism⁸⁷, in reality the acceptance and commitment to an annual quota of 12 000 refugees had not been based on genuine compassion or concern. Moral obligation and the plight of those displaced were of little significance to the wider aims of Calwell's resettlement scheme.⁸⁸ Rather, the refugees were simultaneously a necessary international obligation and a potentially useful addition to Australia's postwar reconstruction.

In this way, despite rhetoric advocating greater understanding and tolerance in regards to non-British migration⁸⁹ and an agreement pertaining to a non-discriminatory selection process⁹⁰, racism continued to play a crucial, albeit covert, role in determining refugee suitability. Consequently, in accepting the European refugees, the Chifley Government assured the public of its commitment to the maintenance of Australia's ethnic homogeneity and declared that for every non-British immigrant resettled, there would be ten British migrants to follow.⁹¹

In addition to maintaining Australia's 'British-ness', the Chifley Government made abundantly clear its intention to 'select' refugees 'on the basis of their suitability for employment and absorption into . . . [the] Australian community.'⁹² In this way,

February 2014, <http://www.dfat.gov.au/publications/historical/volume-12/historical-document-12-283.htm>.

⁸⁷ Commonwealth of Australia, 'Immigration-government policy, statement by the Minister for Immigration', *Parliamentary Papers*, Session 1946–1947, vol. II, Commonwealth Government Printer, Canberra, p. 1050.

⁸⁸ Indeed, humanitarian gestures were met with considerable hostility by sections of the establishment. For example, M Blakeney, *Australia and the Jewish refugees 1933–1948*, Croom Helm, Sydney, 1985, pp. 290–306 notes that a scheme approved by Calwell in 1946 to allow entry to 2000 Jewish survivors of concentration camps with close relatives in Australia was opposed by virtually all of the major newspapers, the New South Wales Council of the Returned Servicemen's League and leading figures in the Liberal, Country and Labor parties. Announcing the abandonment of the policy in January 1947, Calwell declared: 'the government has gone as far as it can reasonably be expected to go . . . on purely humanitarian grounds'. The government subsequently imposed on shipping companies a 25% limit on the number of refugee passengers allowed to sail from Europe.

⁸⁹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 10, 6 March 1947, p. 430 (Arthur Calwell, Member for Melbourne). Calwell acknowledged the widespread racism in Australian society contending that 'it is due mainly to misunderstanding caused by a lack of knowledge of the facts, to exaggerated and untruthful news reports and to periodical outbursts of anti-semitism and xenophobia.'

⁹⁰ Point 2b stipulates that 'The Commonwealth agrees that selection of immigrants will be carried out without discrimination as to race or religion. See: DFAT, vol. 12: 1947 (other than Indonesia), 283 Agreement with the International Refugee Organisation, Evatt Collection, Immigration, A Calwell 'Secret Agreement', 21 July 1947.

⁹¹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 189, 22 November 1946, pp. 502–11 (Arthur Calwell, Minister for Immigration).

⁹² Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 48, 28 November 1947, p. 2923 (Arthur Calwell, Minister for Immigration).

Australia would not only have the power to examine cases individually but would have ‘the full right of selection’⁹³, while all costs of moving those selected would be met by the Preparatory Commission of the International Refugee Organization (PCIRO).⁹⁴ Australia, therefore, not only increased its population, but received a distinct economic benefit⁹⁵ and, furthermore, in accepting its token quota of refugees, was able to actively ‘cherry-pick’ those most desired.

In deciding on the first shipload of immigrants from the European refugee camps, Calwell had carefully and deliberately selected those most appealing to the Australian media and society. The 844 immigrants chosen were, in the majority, young, blonde, blue-eyed Baltic people. Significantly there were no Jews.⁹⁶ As Calwell later recalled,

After deliberating the issue we decided to select a ‘choice sample’ of displaced persons as migrants. We would bring one shipload with nobody under fifteen and nobody over thirty-five, all of whom had to be single... Many were red-headed and blue eyed. There was [sic] also a number of natural platinum blondes of both sexes. The men were handsome and the women beautiful.⁹⁷

Eventually, a total 170 700 refugees were selected and admitted to Australia. The vast majority comprising: ‘Poles (63 394), Yugoslavs (23 543), Latvians (19 421), Ukrainians (14 464), Hungarians (11 919), Lithuanians (9906), Czechs (9142) and Estonians (5329).’⁹⁸

⁹³ *ibid.*

⁹⁴ *ibid.*

⁹⁵ D Meredith & B Dyster (eds), *Australia in the global economy: continuity and change*, Cambridge University Press, New York, 2012, p. 22. British migrants expected to receive a wage at least commensurate to that offered in Britain and were financially assisted to travel to Australia.

⁹⁶ SD Rutland, *Edge of the diaspora: two centuries of Jewish settlement in Australia*, Brandl & Schlesinger, Rose Bay, NSW, 1997, p. 238–40; SD Rutland, ‘Subtle exclusions: postwar Jewish emigration to Australia and the impact of the IRO scheme’, *Journal of Holocaust Education*, vol. 10, 2001, pp. 50–66.

⁹⁷ Calwell, *Be just and fear not*, p. 103.

⁹⁸ J Coghlan & R Iredale, ‘Australia and Asia – refugee practices and policies’, in J Coghlan, J Minns & A Wells, *Seeking refuge: asylum seekers and politics in a globalising world*, University of Wollongong Press, Wollongong, NSW, 2005, p. 51. A detailed list of passengers arriving in Australia between 1947 and 1951 has been compiled by A Tundern-Smith. For an insight into the various nationality and sex preferences, see: A Tundern-Smith, ‘What is the Fifth Fleet’, updated 18 June 2011, viewed 7 March 2014, <http://www.fifthfleet.net/index.html>.

6.4.2 Regulation Racism

Australia's geographic proximity to Asia along with its significant anti-Asian history ensured that it remained particularly fearful of Asian immigration. While rarely expressed overtly, this racism was nonetheless, entrenched and widespread. One example of this covert, engrained racism is exemplified in a secret note from 1948, prepared by the Department of External Affairs to advise the government on the possibility of establishing a 'token quota' of Asian immigrants.⁹⁹ In providing the rationale for such an idea, the writers argued that:

1. The official defence of our 'White Australia' policy is that it is based on economic and social, not on racial, grounds. If this were in fact the case, then there would be no bar to the entry into Australia, with a view to permanent settlement, of thoroughly educated and westernized Indians. Since this is not so, there are grounds for the criticism that Australia's immigration policy contains elements of racial discrimination.

2. Indians can understand, and readily accept, the exclusion of lower-class Indian labourers, on the economic grounds that their admission would never [sic] lower Australian standards, disrupt Australian economy and undermine the welfare of the unskilled Australian worker. The exclusion of such migrants is demonstrably justifiable, and it is clear that there can be no modification of the existing policy in this respect. Nevertheless, the Indian view, not without some justification, is that the exclusion of education and westernised Indians (e.g. qualified engineers, doctors, lawyers, journalists, etc.) can only be described as racial discrimination, especially in view of Australia's expressed desire for 70, 000 migrants per year to provide the manpower for her general economic expansion and development.¹⁰⁰

⁹⁹ Burton to Heyes, doc. 163, 1 March 1948, National Archives of Australia, AA:A1838, 169/10/8/3 i, in *Documents on Australian foreign policy*, vol. 14, 1948–1949, The Commonwealth, Asia and the Pacific, DFAT, viewed 29 March 2014, <http://www.dfat.gov.au/publications/historical/>.

¹⁰⁰ *ibid.*

Accordingly, the quota system was proposed as a way to maintain overt friendly relationships with Asian nations—in particular India—while actively maintaining a covert racism. As the note continued:

3(a) ... The introduction of a token Quota System would do much to remove [criticism of the White Australia Policy]

7. ... Australia would always be able to keep the matter under close control

v. Once a quota system is established, the sense of racial discrimination will be eliminated, and it is most improbable that any Asian country will agitate for the admission into Australia of increasing numbers of its nationals

vii. In the remote event of any such agitation developing, Australia would be on unassailable grounds in categorically refusing to make any further concessions.¹⁰¹

A token quota would therefore effectively circumvent accusations of racism and allow Australia to maintain its White ideologies while appeasing claims of racism.

By 1949 over 170 000 immigrants had arrived in Australia via the 'Calwell Scheme'.¹⁰² Calwell had overtly encouraged Australians to extend 'a warm friendship to [Australia's] new citizens'¹⁰³; however, covert racism was instinctively part of the selection process, resettlement policy and lived experience of all non-British immigrants. The *Aliens Act 1947*, for example, had prevented all non-British migrants from changing his or her surname without express 'consent, in writing, of the Minister or an officer authorized by the Minister and necessitated the registration of all those sixteen years.'¹⁰⁴ This stipulation was effectively to ensure that 'Aliens' could be easily monitored, with information pertaining to the 'number, nationality and occupation of aliens' be readily available 'at any given time in any particular

¹⁰¹ *ibid.*

¹⁰² Kunz, *Displaced persons*, p. 43.

¹⁰³ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 48, 28 November 1947, p. 2928 (Arthur Calwell, Member for Melbourne).

¹⁰⁴ *ibid.*, p. 2927.

locality' thereby allowing the government to check the extent and flow 'of aliens to any area watch how they are being absorbed.'¹⁰⁵

Similarly, aside from those privately sponsored by Australian citizens, almost all non-British immigrants arriving in Australia during this period were housed in temporary, camp-like accommodation¹⁰⁶ and were required to remain in employment provided to them by the Australian Government for at least one year.¹⁰⁷ The employment requirement was specifically included to ensure that refugee arrivals would remain beneficial to Australia. It rarely considered the employment background or skills of the individual and was instead a deliberate means to relieve specific labour shortages in key geographic areas. As Calwell explained, migrants had been specifically 'selected with a view to meeting... known labour requirements' and would generally be employed 'in country areas rather than in the cities'.¹⁰⁸ In this way, the policy was effectively a means to meet IRO quotas, relieve specific Australian labour shortages and most importantly, keep refugees away from cities, and away from Australian society.¹⁰⁹

The 'warm friendship' encouraged by Calwell, also did not, for example, extend to those proposing the development of a colony for Jewish refugees in Western Australia and Tasmania. Such a development, according to Makin, would only aid in the establishment and promotion of alien enclaves and would surely be averse to the Prime Minister.¹¹⁰ In the same way, a request by the Assyrian Community and British government in 1946 to allow Assyrian refugees escaping the massacres in

¹⁰⁵ *ibid.*

¹⁰⁶ The largest and most well known of these was the Bonegilla Migrant Reception and Training Centre, a former military camp near Wodonga, Victoria. See: B Pennay, *Receiving Europe's displaced: Bonegilla Reception and Training Centre, 1947-53*, Parklands Albury-Wodonga, Wodonga, Vic, 2010, p. 2.

¹⁰⁷ DFAT, vol. 12: 1947 (other than Indonesia), 283 Agreement with the International Refugee Organisation, Evatt Collection, Immigration, A Calwell 'Secret Agreement', 21 July 1947.

¹⁰⁸ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 48, 28 November 1947, pp. 2923-24 (Arthur Calwell, Member for Melbourne).

¹⁰⁹ *ibid.*, p. 2923; Kunz, *Displaced persons*, pp. 49-52.

¹¹⁰ Dispatch 70, Makin to Evatt, doc. 333, Washington, 26 December 1946, AA:A4231/2, Washington Dispatches, 1946, 1-70, National Archives of Australia, in *Documents on Australian foreign policy*, vol. 10.

Azerbaijan and Iran¹¹¹ refuge in Australia was denied due to the perceived unassimilability of Assyrian immigrants to Australian society.¹¹²

Thus while immigrants were still assessed on their desirability and suitability, rejected applications were increasingly couched in terminology that expressed discordance to Australian society along cultural, economic and social grounds. As Grewcock contends, the selection of 'suitable' refugees by the Chifley Government had conceptualised the provision of asylum as 'a form of labour migration rather than a means of protecting human rights.'¹¹³

6.5 From Assimilation to Multiculturalism

In the months prior to the 1949 election, Calwell had confirmed Australia's commitment to the White Australia Policy by removing the loopholes'¹¹⁴ that had allowed a number of Asians to escape deportation in the month's prior.¹¹⁵ A change of government in 1949, however, led to great changes in Australia's application of the policies of White Australia.

On 10 December 1949, Robert Menzies became Prime Minister of Australia for the second time. The newly elected Prime Minister, despite echoing a need for an increase in Australia's population, highlighted an immediate need to salvage Australia's reputation in Asia.

Australia urgently needs more people, and we shall vigorously continue a drive for them. They should be selected with regard to our

¹¹¹ For an overview, see: RS Stafford, *The tragedy of the Assyrians*, Gorgias Press, Piscataway, NJ, 2006; S Zubaida, 'Contested nations: Iraq and the Assyrians', *Nations and nationalism*, vol. 6, no. 3, 2000.

¹¹² Strahan to Garnett, doc. 208, 11 November 1946, AA:A1067, M46/10/4, National Archives of Australia, in *Documents on Australian foreign policy*, vol. 10, July–December, DFAT, viewed 17 January 2014, <http://www.dfat.gov.au/publications/historical/>.

¹¹³ M Grewcock, *Border crimes: Australia's war on illicit migrants*, NSW Institute of Criminology, Sydney, 2009, p. 92.

¹¹⁴ An example of this loophole is provided by the O'Keefe case. See: 'Mrs O'Keefe can't be deported', *Barrier Miner* (Broken Hill, NSW: 1888–1954), 18 March 1949, p. 1, viewed 7 March 2014, <http://nla.gov.au/nla.news-article48588148>; S Brawley, 'Mrs O'Keefe and the battle for White Australia', *Public lecture for the National Archives of Australia*, Canberra, 1 June 2006, viewed 5 February 2014, http://www.agift.naa.gov.au/Images/Brawley%20Oct%202007%20edit_tcm16-35888.pdf; G, Nicholls, *Deported*, pp. 87–89.

¹¹⁵ Brawley, *The white peril*, p. 253.

national needs, and their capacity to become absorbed into our community.

Though we naturally want as many migrants as we can get of British stock, we denounce all attempts to create hostilities against any migrant or group of migrants, whether Jew or Gentile, on the grounds of race or religion ... We will continue to maintain Australia's settled immigration policy...well justified as it is on grounds of national homogeneity and economic standards.

At the same time we believe in human and commonsense ministrations. All cases of aliens resident in Australia should be considered, not as if the law allowed no human discretion...Nothing has done both the Policy and our relations with Asiatic countries more harm than some of the stupid and provocative decision of the present Government.¹¹⁶

Overtly the Menzies Government seemed to embrace a more forgiving immigration policy. The O'Keefe family was granted permission to stay in Australia and Percy Spencer, the new Minister for External Affairs, embarked on a publicity campaign to salvage the reputation of Australia's White Australia policy in Asia.¹¹⁷ In reality however, the machinations of White Australia were simply well 'camouflaged'.¹¹⁸ Successive immigration ministers, Palfreeman writes, were prone to telling 'only half the story' and would present accounts that were 'rosier than the facts'.¹¹⁹

6.5.1 The Colombo Plan

On 9 January 1950, the idea of a cooperative network of developing and donor countries was raised at the Commonwealth Conference on Foreign Affairs in Colombo, Sri Lanka (then Ceylon).¹²⁰ Ideologically, it was a foreign aid scheme that sought to foster closer understanding and engagement between developing and donor

¹¹⁶ R Menzies, 'Election speech: Robert Menzies 1949', delivered Melbourne 10 November 1949, *Museum of Australian Democracy at Old Parliament House*, viewed 12 December 2013, <http://electionspeeches.moadoph.gov.au/speeches/1949-robert-menzies>.

¹¹⁷ Brawley, *The white peril*, p. 253.

¹¹⁸ Palfreeman, *The administration of the White Australia policy*, p. 25.

¹¹⁹ Brawley, *The white peril*, p. 253; Palfreeman, *The administration of the White Australia policy*, p. 25.

¹²⁰ Colombo Plan Secretariat, 'The Colombo Plan for Cooperative Economic and Social Development in Asia and the Pacific', viewed 5 February 2014, <http://www.colombo-plan.org/index.php/about-cps/history/>.

countries.¹²¹ With the rising threat of Communism, Australia's Minister for External Affairs Percy Spender had warned Australia that 'no nation can escape its geography'.¹²²

Australia's adoption of the Colombo Plan and subsequent decision to host 5500 Asian students¹²³ between 1951 and 1964 initially appeared to herald a move towards a non-discriminatory migration platform. In reality however, the Colombo Plan was a means to deflect accusations of racism in an increasingly racially intolerant global atmosphere. As the DEA explained to the Committee on the Future of Tertiary Education in Australia in 1962:

In these circumstances Australian aid programmes like the Colombo Plan ... which gain wide favourable attention are a valuable testimony to the absence of racial present in our foreign policies. The presence of Asian and African students in Australia ... are an effective counter to the charges of racial discrimination which are sometimes leveled against us.¹²⁴

In addition to countering accusations of racism, the Colombo Plan was envisioned as a strategic measure aimed at stemming the flow of communism. Again historical threats of an 'alien foreign other' intent on destroying Australia, resurfaced. As Member for Port Adelaide, Albert Thompson noted:

Speaking at the Colombo conference, the Australian Minister for External Affairs said that the world had an obligation to raise the standards of the Asiatic people, and that only by raising those standards could the spread of the Communist ideology be curbed...there is general recognition that something must be done to

¹²¹ D Lowe, 'The Colombo Plan and 'soft' regionalism in the Asia-Pacific: Australian and New Zealand cultural diplomacy in the 1950s and 1960s', *Working Paper no. 1*, Alfred Deakin Research Institute, 2010, p. 6, viewed 5 February 2014, <https://www.deakin.edu.au/research-services/forms/v/3082/adri-working-paper-01.pdf>.

¹²² Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, vol. 6, 9 March 1950, p. 628 (Percy Spender, Minister for External Affairs).

¹²³ D Oakman, '“Young Asians in our homes”: Colombo Plan students and White Australia', p. 90, viewed 7 February 2014, http://www.api-network.com/main/pdf/scholars/jas72_oakman.pdf. Students arrived from over fifteen nations in South and South East Asia.

¹²⁴ National Archives of Australia, Colombo Plan – Training facilities in Australia –Committee on the Future of Tertiary Education in Australia, A1838, 2008/6/1/2, Statement by Department of External Affairs to the Committee on the Future of Tertiary Education in Australia', 8 January 1962.

raise the living standards of the people of Asia, because, unless we do that, communism will eventually reach down to this country.¹²⁵

The Menzies Government was keen to minimise the negative impact of the White Australia policy internationally. The Colombo Plan, it was thought, would ‘relieve the anxieties associated with living next to Asia ... stimulate resistance to communist subversion, and [serve] to reinforce the boundaries between Australia and the region.’¹²⁶ Ultimately for the Menzies Government, it was a way to ‘ensure the political stability of the region’ and as a means improve the ‘special relationship between Australia and Asia.’¹²⁷ It was, as Oakman writes, a plan that ‘allowed the humanitarian internationalist and the Australian nationalist, fearful of the outside world, to come together.’¹²⁸

6.5.2 The ICEM and the Hungarian Refugees

The defeat of Hungary in 1945 by the Red Army and subsequent Soviet occupation had seen the country fall under communist rule. As a consequence, between 1945 and 1949 several hundred thousand Hungarian refugees fled Hungary.¹²⁹ In the aftermath of the Second World War a small number of these refugees arrived in Australia as part of its IRO allocation.¹³⁰

The second large wave of Hungarian refugees arrived to Australia as a result of the brutal repression of the 1956 Hungarian Revolution. In October 1956, a spontaneous revolt by the Hungarians against the Hungarian People’s Republic and its Soviet-imposed policies took the Hungarian Communist authorities by surprise.¹³¹ Within days, a new reformist socialist-oriented government under Imre Nagy had been put

¹²⁵ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 19, 9 May 1950, p. 2255 (Albert Thompson, Member for Port Adelaide).

¹²⁶ Oakman, ‘“Young Asians in our homes”’: Colombo Plan students and White Australia’, viewed 7 February 2014, http://www.api-network.com/main/pdf/scholars/jas72_oakman.pdf, p. 171.

¹²⁷ NH Kuruppu, *Nonalignment and peace versus military alignment and war*, Academic Foundation, New Delhi, 2004, p. 263.

¹²⁸ Oakman, ‘“Young Asians in our homes”’: Colombo Plan students and White Australia’, p. 3.

¹²⁹ D Stone, *Goodbye to all that? The story of Europe since 1945*, Oxford University Press, Oxford, 2014, pp.134–35.

¹³⁰ F Hawkins, *Critical years in immigration: Canada and Australia Compared*, McGill-Queen’s University Press, Montreal, 1991, p. 161.

¹³¹ JM Rainer, ‘The Hungarian Revolution of 1956: causes, aims, and course of events’, in C Adam (ed.), *The 1956 Hungarian Revolution: Hungarian and Canadian perspectives*, University of Ottawa Press, Ottawa, pp. 12–15.

in place and prompted Soviet authorities to invade Hungary.¹³² As the Soviet tanks rolled on to the streets of Hungary, hundreds of thousands of people were forced to flee for their lives.¹³³

By 1953, the International Refugee Organisation Scheme had come to an end, and the Australian Government became a signatory to its successor—the Intergovernmental Committee for European Migration (ICEM). Following the invasion of 1956, 14 000 Hungarian refugees were resettled via the ICEM. However, like most refugee waves in Australia, the Hungarian Displaced Persons presented a lopsided social picture. The Australian Government's willingness to grant asylum was conditional and selective, restricted to a small number of highly desirable immigrants such as members of the Hungarian 1956 Olympics team.¹³⁴

6.6 The Abolition of White Australia

In June 1971, at the party conference in Launceston, Tasmania, the Australian Labor Party removed the White Australia policy from its official platform and instead emphasised a non-discriminatory immigration policy that would meet migrant needs.¹³⁵ This shift towards official multiculturalism was further exemplified when the McMahon Cabinet, after receiving a report from the Department of Immigration, agreed to exercise 'a prudent and limited . . . discretion in cases of requests for assisted passages where the breadwinner is fully European and the wife is non-European or of mixed descent.' Importantly, however, the need for immigrants to be 'of positive value to Australia'¹³⁶ remained.

Until 1972 Britain had continued to contribute towards Australia's Assisted Passage Scheme. Moreover, despite the various changes towards Australia's migration outlook, Australia's immigration policy was still largely based on race and did not provide assisted passages to non-Europeans. As McMahon had asserted in response to the intervention of the British Race Relations Board, it was Australia's sovereign

¹³² *ibid.*

¹³³ TG Ash, 'Introductory essay', in C Bekes, M Byrne, J Rainer, J Litkei & GF Domber (eds), *The 1956 Hungarian Revolution: a history in documents*, Central European University Press, Budapest, 2002, p. xix.

¹³⁴ Neumann, *Refuge Australia*, pp. 52–64.

¹³⁵ Hawkins, *Critical years in immigration*, pp. 99–100.

¹³⁶ *ibid.*, p. 98.

right 'to determine those migrants to whom the Australian government was prepared to grant assisted passage.'¹³⁷

By the mid 1970s, Australian Government responses to unauthorised immigration had been redefined. Successive federal governments had amended or lifted restrictions on 'non-white' and non-European migration and had formally abandoned the White Australia policy. The introduction of official non-discriminatory immigration policy along with the consolidation of a new multicultural outlook, not only shifted Australia's outlook on immigration exclusion, but facilitated 'economic and social ties between Asia and the Asia-Pacific region.'¹³⁸ Ultimately, this heralded a move from Australia's historical past and provided an official acceptance towards Asian immigration.¹³⁹

6.6.1 The Whitlam Refugees

The election of the Whitlam Government in 1972 set in motion a new immigration policy based on a commitment to the 'avoidance of discrimination on any grounds of race or colour of skin or nationality.'¹⁴⁰ To fulfil its obligation, and in contrast to the images depicted by a White Australia, the newly appointed Minister for Immigration Al Grassby, championed the construction of a new national image that portrayed a 'united family of the nation.'¹⁴¹

Determined to make a 'fresh start'¹⁴², the Whitlam government embraced a new national identity underpinned by the ideology of cultural pluralism¹⁴³—an ideology that promoted the preservation of ethnic languages and traditions, sought 'restitution

¹³⁷ *ibid.*, p. 97.

¹³⁸ Grewcock, *Border crimes*, p. 94.

¹³⁹ *ibid.*

¹⁴⁰ Cited in WO Borrie, 'Changes in immigration since 1972', in J Jupp, *The Australian People*, p.111

¹⁴¹ McMaster, *Asylum seekers*, p. 49.

¹⁴² L Foster & D Stockley, *Multiculturalism: The changing Australian paradigm (Multilingual Matters)*, 16, Multilingual Matters, Clevedon, Somerset, 1984, p.54

¹⁴³ Cultural pluralism defined broadly is an ideology in which 'the host society permits and even encourages members of migrant and ethnic groups to cultivate cultural differences and at the same time to have mutual respect, tolerance and understanding for each other', L Jayasuriya, 'Multiculturalism in Australia', *Ethnos*, no. 40, 1985, p. 3.

for the wrongs that immigrants had suffered', and encouraged 'diversity in cultural attributes such as films, food and customs.'¹⁴⁴

With immigration a primary concern¹⁴⁵, the Whitlam government introduced a new immigration system that was to assist immigration officers in streamlining migration procedures.¹⁴⁶ The Structured Selection Assessment System (SSAS), introduced in 1973, required immigration officers to complete a two-part report. In Part A, immigration officers were to comment on several 'economic factors' related to the prospective immigrant's employment and employment prospects. While in Part B, listed officers were to comment on 'personal and social factors' such as:

- Attitude to migration
- Expectations
- Responsiveness
- Initiative
- Self-reliance and independence
- Presentation (i.e., appearance, personal hygiene, speech and behaviour)
- Family unity
- Community
- Sport and cultural interests
- 'Comment on any convictions'.

While the new processes did indeed make migrant selection more efficient, the SSAS was still highly selective and not particularly precise or uniform. In fact, member for Kooyong Andrew Peacock argued, while the Labor party platform had abolished race, colour and nationality as part of its immigration selection criteria, it nevertheless contained another category of selection that effectively placed 'definite restrictions the admission of Asians.'¹⁴⁷ Thus, while an improvement on the discriminatory processes of White Australia, the processes of the SASS were also

¹⁴⁴ McMaster, *Asylum seekers*, p.49.

¹⁴⁵ Foster & Stokley, *Multiculturalism*, p. 54.

¹⁴⁶ Hawkins, *Critical years*, p. 105.

¹⁴⁷ A Peacock citing editorial from the *Canberra Times*, see: A Peacock, *Parliamentary Debates*, House of Representatives, no. 12, 20 March 1974, p. 640.

used deliberately to identify immigrants that were supposedly unsuitable for resettlement in Australia.¹⁴⁸

On 17 April 1975, Phnom Penh fell to the Communist Khmer Rouge¹⁴⁹ and by the end of the month; Saigon fell to Communist forces, marking the end of the Vietnam War. The end of the war and the evacuation of American civilians and “at-risk” Vietnamese from Saigon as part of Operation Frequent Wind¹⁵⁰ had triggered a mass exodus of refugees from South Vietnam. With many South-East Asian nations, reluctant to accommodate Vietnamese refugees, closing their borders, it was soon feared that ‘other countries in the region’ would become ‘obvious potential destinations’.¹⁵¹ Before long, and despite an overt immigration policy committed to the ‘avoidance of discrimination on any grounds of race or colour of skin or nationality’¹⁵², the prospect of Vietnamese ‘boat people’ arriving on Australian shores had eclipsed all other immigration concerns.

The possibility of Vietnamese refugees arriving on Australian shores caused immediate and widespread concern. Just one week after the US evacuation, *The Australian* warned that: ‘Fleeing Vietnamese ships may risk voyage to Australia’¹⁵³, citing unconfirmed reports that ‘a tanker with 200 refugees aboard was heading for Australia’.¹⁵⁴ Similar sentiments were soon echoed by a number of prominent government ministers with then Foreign Minister, Don Willesee for example, writing to Prime Minister Gough Whitlam:

I am concerned that the question of the Vietnamese refugees in Singapore and the ‘spectre of an armada’ sailing for Australia will

¹⁴⁸ *ibid.*, p. 106.

¹⁴⁹ M Osborne, *Phnom Penh: a cultural history*, Oxford University Press, New York, 2008, p. 140.

¹⁵⁰ Carried out on 29-30 April 1975, Operation Frequent Wind was the final phase in the evacuation of around 7000 people from Saigon by the US military. See generally: JE Lee & T Haynsworth (eds), *White Christmas in April: The collapse of South Vietnam, 1975*, Peter Lang, Canterbury, England, 1999; L Engelmann, *Tears before the rain: An oral history of the fall of South Vietnam*, Oxford University Press, New York, 1990.

¹⁵¹ K Neumann, ‘Oblivious to the obvious? Australian asylum-seeker policies and the use of the past’, in K Neumann & G Tavan (eds), *Does history matter? Making and debating citizenship, immigration and refugee policy in Australia and New Zealand*, ebook, <http://press.anu.edu.au?p=109651>

¹⁵² Cited in Borrie, ‘Changes in immigration since 1972’, p.111

¹⁵³ P Terry, ‘Fleeing South Vietnamese ships may risk voyage to Australia: federal govt takes tough stand on uninvited refugees’, *The Australian*, 6 May 1975 cited in Neumann, ‘Oblivious to the obvious?’

¹⁵⁴ *ibid.*

now become the issue which will most attract public opinion and potentially present the greatest problems.¹⁵⁵

Significantly however, the resettlement of a number of Vietnamese refugees in Australia was not unexpected. In fact, debates concerning the acceptance and resettlement of Vietnamese refugees by the Whitlam government had already commenced well before the fall of Saigon.¹⁵⁶

An international response to the exodus of Vietnamese refugees forced the Australian government to act¹⁵⁷, and in April and May 1975, the Royal Australian Air Force evacuated 2000 Vietnamese refugees.¹⁵⁸ Initially, asylum was offered on a temporary basis to three categories of Vietnamese citizens: the children and spouses of Vietnamese students already living in Australia; the spouses and children of Australian citizens; and, on a case-by case basis, Vietnamese individuals with a demonstrated close and lengthy association with the Australian presence in Vietnam who were considered to be in danger.¹⁵⁹

In addition to these selective resettlements, in May 1975, the Whitlam Government approached the UNHCR to develop a 'coordinated international action under the direction of the High Commissioner for the placement of refugees . . . in as many countries as possible.'¹⁶⁰ Significantly, while Whitlam's request to place refugees 'in as many countries as possible' overtly fulfilled its international obligations, it also

¹⁵⁵ Willesee to Prime Minister, 6 May 1975, NAA: A1209, 1975/1156

¹⁵⁶ As cablegrams from 1975 reveal, the Whitlam government had engaged in a number of debates regarding the possibility of accepting a number of Vietnamese refugees for resettlement. See: 'Australian debate on Vietnamese continues, but few likely to be accepted', 24 April 1975, https://www.wikileaks.org/plusd/cables/1975CANBER02545_b.html, viewed 10 July 2014.

¹⁵⁷ M Le, 'Migrants, refugees and multiculturalism: The curious ambivalence of Australia's immigration policy', 2001 Alfred Deakin Lecture, 12 May 2001, viewed 7 May 2014 <http://www.safecom.org.au/le-deakin.htm>.

¹⁵⁸ DIEA, *Review 1976*, AGPS, Canberra, 1976. p. 15

¹⁵⁹ Senate Standing Committee on Foreign Affairs and Defence, *Australia and the refugee problem: the plight and circumstances of Vietnamese and other refugees*, AGPS, Canberra, 1976, p. 6; DIEA, *Review 1976*, AGPS, Canberra, 1976. p. 15; 'Prime Minister Announces GOA Policy On Receiving South Vietnamese Refugees', 22 April 1975, viewed 10 July 2014, https://www.wikileaks.org/plusd/cables/1975CANBER02494_b.html; 'Hanoi-Saigon Cables Opposition Leaders April 29 Statements', April 30 1975, viewed 10 July 2014, https://www.wikileaks.org/plusd/cables/1975CANBER02645_b.html; Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 17, 22 April 1975, 17, p. 1948 (Gough Whitlam, Prime Minister).

¹⁶⁰ Senate Standing Committee on Foreign Affairs and Defence, *Australia and the refugee problem*, p. 31; DIEA, *Review 1976*, p. 15.

suggested a covert desire to minimise the numbers of refugees arriving in Australia. Nonetheless, pending health and background checks, a number of visitors and other temporary entrants from South Vietnam, Cambodia, and Laos were granted resident status.¹⁶¹

Overall however, and despite overt concern for the plight and immediacy of the refugee problem in Vietnam, ‘the intention of [Whitlam’s] policy was to be as restrictive as possible’¹⁶², allowing only small numbers of refugees to be approved for resettlement.¹⁶³ As Prime Minister Whitlam contended in September 1975:

The fact is that the Australia Government does not believe that Australia’s hospitality should be abused by people who might want to create difficulties in our relations with other countries. This is a perfectly prudent requirement. After all, it could be said that we have suffered from the activities of a great number of migrants to Australia who have used Australia as a launching pad for abuse and sometimes for incursions against other countries.¹⁶⁴

Therefore, despite the acceptance of a number of refugees following the imminent collapse of the Saigon regime and the embracement of a new multiculturalist outlook, overall, the Whitlam Labor Government’s policies towards refugees were ‘ambivalent and selective’, and remained rooted firmly in Whitlam’s own political agendas.¹⁶⁵ Most importantly, the policies reflected the sentiments of previous governments by remaining reluctant to accept refugees and ‘did not lead to any immediate, discernable shift in the *type* of Asian immigrant settling in Australia.’¹⁶⁶

¹⁶¹ *ibid.*

¹⁶² Viviani, *The long journey*, p. 64; Neumann, ‘Oblivious to the obvious?’.

¹⁶³ *ibid.*

¹⁶⁴ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 36, 3 September 1975, p. 914 (Gough Whitlam, Prime Minister).

¹⁶⁵ Le, ‘Migrants, refugees and multiculturalism’.

¹⁶⁶ Tavan, ‘Creating multicultural Australia: Local, global and trans-national contexts for the creation of a Universal Admissions Scheme, 1945-1983’, in T Triadafilopoulos (ed.), *Wanted and Welcome?: Policies for Highly Skilled Immigrants in Comparative Perspective*, Springer, London, 2013, p.51; Price, ‘Immigration and ethnic affairs’, pp. 207–10; N Viviani, *The long journey: Vietnamese migration and settlement in Australia*, Melbourne University Press, Carlton, Vic, 1984, pp. 53–64; Jupp, *From White Australia to Woomera*, p. 38.

6.6.2 Fraser's Refugees

A change in government in 1975 saw another shift in refugee policy, and between January and April of 1976 the new Coalition Government under Fraser amnestied 8614 visitors who had overstayed their visas (mainly from Greece, Britain, Indonesia and China).¹⁶⁷ Moreover, while the Whitlam Government had been reluctant to accept large numbers of Indo-Chinese refugees, for fear of angering North Vietnam¹⁶⁸, Fraser, as Leader of the Opposition, appeared to have openly called for an increase in refugee intake.¹⁶⁹

In March 1976, the Fraser government granted resettlement to 568 Indo-Chinese refugees,¹⁷⁰ and between 1976 and 1982, accepted more than 50 000 refugees from 'refugee camps in Thailand, the Philippines, Malaysia and Indonesia'.¹⁷¹ While seemingly indicating a shift in Australia's historically discriminatory immigration policy, the acceptance of these refugees for resettlement had little to do with their human rights situation. Instead, the decision was political. With Australian society 'easily panicked by the spontaneous arrival'¹⁷² of refugees by boat, the Fraser government reasoned that the 'planned admission of ten thousand Indo-Chinese refugees each year was far less sensitive than the spontaneous arrival' of far smaller numbers by boat.¹⁷³

During the early stages of the Fraser government's refugee policy, those resettled were subject to inconsistent selection processes that determined their 'suitability' for resettlement. Selection criteria required that the refugees 'be in sound health with no

¹⁶⁷ J Jupp, *From White Australia to Woomera*, pp. 43–44.

¹⁶⁸ In a message from Canberra to the embassy in Hanoi, Whitlam directed the embassy to advise the Vietnamese government that Australia 'would be very sorry to see the refugee question affect' relations between the two nations, cited in G Henderson, 'How Whitlam closed the door on refugees', *The Sydney Institute*, 18 April 2006, viewed 9 Jan 2014, <http://www.thesydneyinstitute.com.au/ghwcContent.php?ghwcIC=3>.

¹⁶⁹ 'Leading newspapers and Opposition Leaders denounce GOA's policies on receiving Vietnamese refugees', 28 April 1975, https://www.wikileaks.org/plusd/cables/1975CANBERO2577_b.html, viewed 17 April 2014. See also: Jupp, *From white Australia to Woomera*, pp. 38–40.

¹⁷⁰ DIEA, *Review of activities to 20 June*, AGPS, Canberra, 1976, p. 8; D Goldsworthy & PG Edwards (eds), *Facing North: A Century of Australian engagement with Asia Vol 2 1970s to 2000*, DFAT, Melbourne University Press, Carlton South, Victoria, 2001, p. 194.

¹⁷¹ R Manne, *Making trouble: Essays against the new Australian complacency*, Black Inc, Collingwood, Victoria, 2011, p. 118.

¹⁷² *ibid.*

¹⁷³ R Manne, *Left right left: Political essays, 1977-2005*, Black Inc, Melbourne, Victoria, 2004, p.393

adverse record' and that they 'be able to integrate into the Australian community'—a judgement that was to be made by immigration officials based on an individual's 'background, previous employment and education.'¹⁷⁴

The inconsistent nature of such selection processes, prompted the Senate Standing Committee on Foreign Affairs and Defence¹⁷⁵ to establish a 'comprehensive set of policy guidelines together with the necessary administrative machinery' that could be 'applied to refugee situations'. According to the committee, the establishment of such a set of guidelines was essential, as without such 'administrative machinery', Australia's practical ability to respond to refugee situations and crises would be significantly reduced.¹⁷⁶ A set of clear guidelines, the Committee argued, would allow refugees to enter Australia as part of a planned migration program. Thus such a program would not only allow refugees to 'adjust quickly to life and work' in Australia but more importantly would allow them to contribute to 'the country's economic well-being, and to its social and cultural development.'¹⁷⁷

The proposed guidelines, as Grewcock writes, were to be seen as an expression of Australia's 'broadly interpreted commitment' to the 1951 United Nations Refugee Convention and the 1976 Protocol:

The *spirit* of these instruments should continue to be manifested by admitting refugees *and other displaced persons* for settlement in Australia. Refuge (and in certain instances assistance with evacuation), should be offered on the basis of humanitarian concern for a person's needs irrespective of whether he [sic] is technically a refugee, a stateless person or a displaced person. Australia's refugee policy should recognise that there is a place for a regular and identifiable intake of refugees and displaced persons who do not meet the existing immigration criteria. This intake should constitute a significant part of our broad immigration target in any one year and should be subject to adjustment in emergencies. In determining which refugees and displaced persons should be admitted, Australian policy

¹⁷⁴ Senate Standing Committee on Foreign Affairs and Defence, *Australia and the refugee problem*, p. 35.

¹⁷⁵ *ibid.*, p. 89.

¹⁷⁶ Hawkins, *Critical years in immigration*, p. 177.

¹⁷⁷ *ibid.*

should acknowledge the claims of those who have no prospect of obtaining permanent resettlement elsewhere or whose needs are for other reasons particularly acute. It should also take a wider view of family reunions than it does at present.¹⁷⁸

The committee's recommendations, along with the 'Green Paper; Immigration Policies and Australia's Population' tabled in Parliament on 17 March 1977,¹⁷⁹ provided the foundations of the Fraser government's immigration and refugee policies. Confirming Australia's commitment to its humanitarian responsibilities regarding the resettlement of refugees and agreeing 'to help with the resettlement of refugees in other countries',¹⁸⁰ Immigration and Ethnic Affairs Minister Michael MacKellar announced in May 1977, that Australia's first refugee policy was to be based on four key principles:

- Australia fully recognises its humanitarian commitment and responsibility to admit refugees for resettlement
- The decision to accept refugees must always remain with the Government of Australia
- Special assistance will often need to be provided for the movement of refugees in designated situations or for their resettlement in Australia
- It may not be in the interest of some refugees to settle in Australia. Their interests may be better served by resettlement elsewhere. The Australian Government makes an annual contribution to the UNHCR which is the main body associated with such resettlement.¹⁸¹

The policy, while not definitive in its scope, provided an indication of the government's intent and preferences for managing refugee entry.¹⁸² It was effectively a policy based on both deterrence and humanitarian concerns.¹⁸³

¹⁷⁸ Senate Standing Committee on Foreign Affairs and Defence, *Australia and the refugee problem*, p. 90, cited in M Grewcock, 'Crimes of exclusion: The Australian state's responses to unauthorised migrants', PhD thesis, University of New South Wales, 2007, p. 122. *Italics in original.*

¹⁷⁹ See: McMaster, *Asylum Seekers*, p. 50.

¹⁸⁰ *ibid.*

¹⁸¹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 21, 24 May 1977, (Michael MacKellar, Minister for Immigration and Ethnic Affairs), p. 1714.

¹⁸² Grewcock, *Crimes of exclusion*, p. 124.

¹⁸³ McMaster, *Asylum seekers*, p. 50.

The Fraser government's new refugee policies were soon put into effect. In April 1976, the arrival of five Indochinese refugees on an unauthorised boat in Darwin¹⁸⁴ not only represented Australia's first so-called 'boat people', but 'signalled Australia's emergence as a potential point of first refuge for asylum seekers.'¹⁸⁵ The five men had navigated over 2600 kilometres from Vietnam to Australia, 'finding their way ... with only a page torn from a school atlas.'¹⁸⁶ Upon their arrival in Darwin, the refugees were issued with a one-month entry permit and three months later were accepted for resettlement.¹⁸⁷ Interestingly, while Australia's general reaction towards the arrival of 'boat people' was 'one of alarm'¹⁸⁸, the arrival of this particular unauthorised boat had little impact, and 'stirred no recollection of earlier anxieties'.¹⁸⁹

In the following year another six boats arrived, carrying a total of 204 refugees.¹⁹⁰ Treated with 'exemplary generosity'¹⁹¹, the arrivals were accommodated in government hostels and subsequently granted permanent status in Australia.¹⁹² Between 1976 and 1982, a total of 56 boats had arrived, carrying over 2000 people.¹⁹³ While the arrival of boats carrying refugees caused a degree of 'public debate and media attention'¹⁹⁴, compared to Australia's total refugee intake of

¹⁸⁴ Hawkins, *Critical years in immigration*, p. 173; Neumann, 'Oblivious to the obvious?'

¹⁸⁵ Grewcock, 'Crimes of exclusion', p. 123.

¹⁸⁶ J Supple, 'Twenty years too long: the history of mandatory detention', *Solidarity.net.au*, 14 June 2012, viewed 10 Dec 2013, <http://www.solidarity.net.au/refugees/twenty-years-too-long-the-history-of-mandatory-detention/>.

¹⁸⁷ *ibid.*

¹⁸⁸ W Poussard, 'Sending a message: Refugee settlement in Australia' in J Wilson, J Thomson & A McMahon (eds), *The Australian welfare state: Key documents and themes*, Macmillan Education Australia, South Yarra, Melbourne, 1999, p.206.

¹⁸⁹ Neumann, 'Oblivious to the obvious'; N Viviani & J Lawe-Davis, *Australian Government Policy on the Entry of Vietnamese Refugees 1976 to 1978*, Centre for the Study of Australian-Asian Relations, Griffith University, Brisbane, 1980, p. 4.

¹⁹⁰ This figure is based on the 1975-1976 financial year statistics. See: J Phillips, 'Boat arrivals in Australia: A quick guide to the statistics', *Research Paper Series, 2013-2014*, Parliamentary Library Research Publications, 23 January 2014, viewed 10 May 2014, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/QG/BoatArrivals#; Hawkins, *Critical years in immigration*, p.173.

¹⁹¹ Manne, *Making trouble*, p. 118. The humane and generous approach towards refugees by the Fraser government is also noted by Jupp, *From White Australia to Woomera*, p. 43.

¹⁹² Hawkins, *Critical years in immigration*, p.173

¹⁹³ Manne, *Making trouble*, p. 118. According to recently updated statistics, the total number of boat arrivals during this period was 2069 persons. See: Phillips, 'Boat arrivals in Australia: A quick guide to the statistics'.

¹⁹⁴ Hawkins, *Critical years in immigration*, p.173

51 780 Indo-Chinese¹⁹⁵ in the same period, the numbers of refugees arriving by boat were small.

The small numbers of boat arrivals during this period were a testament to the Fraser government's foresight. According to MacKellar, if refugees living in the refugee camps believed there was a chance of being resettled in Australia through the proper processes, it was unlikely that they would risk their lives at sea.¹⁹⁶ Thus, intent on avoiding the anxieties associated with unauthorised and unplanned refugee arrivals, the Fraser government had increased the number of refugees Australia accepted from Third World refugee camps in order to discourage and decrease the numbers of refugees arriving by boat.¹⁹⁷

Nevertheless, despite a marked increase in the number of refugees accepted from refugee camps within South-East Asia¹⁹⁸ and a decrease in the numbers of 'unplanned' arrivals, the possibility of further boat arrivals reignited historical racist fears of 'floods' and 'invasion'.¹⁹⁹ Boatpeople²⁰⁰, as they had come to be described, were 'queue jumpers'²⁰¹, 'aliens, intruders and dangerous people'²⁰², their arrival an 'invasion by a "tide of human flotsam"'.²⁰³

Meanwhile, questions had surfaced regarding their motives—were these boat people 'genuine refugees' or rich (and thereby undeserving) Vietnamese?²⁰⁴ Indeed, as Peacock had warned, the arrival of refugees during this period 'had all the

¹⁹⁵ DIEA, *Review of activities to 30 June 1981*, AGPS, Canberra, 1981, p. 47; Manne, *Making Trouble*, p. 118; A McNevin, *Contesting citizenship: Irregular migrants and the new frontiers of the political*, Columbia University Press, Chichester, West Sussex, 2011, p. 73.

¹⁹⁶ M Fraser & M Simons, *Malcolm Fraser: The political memoirs*, The Miegunyah Press, Carlton, Victoria, 2010, p. 420

¹⁹⁷ Stephen, *Refugees*, p. 35; McMaster, *Asylum seekers*, p. 51.

¹⁹⁸ In 1987 for example, 73% of Australia's refugee arrivals were from Malaysian camps. See: Stephen, *Refugees*, p.35.

¹⁹⁹ The *Courier Mail* for example, fuelled racist sentiment with the headline 'It's the Yellow Peril Again', cited in McMaster, *Asylum seekers*, p. 51. See also: Viviani, *The long journey*, pp. 78–80

²⁰⁰ The term 'boatperson' is used to describe 'someone who arrives by sea, unannounced, without a visa and with the intention of seeking political asylum', K Betts, 'Boatpeople and public opinion in Australia', *People and Place*, vol. 9, no. 4, 2001, p. 34

²⁰¹ Fraser & Simons, *Malcolm Fraser*, p. 418.

²⁰² E Paul, *Neoliberal Australia and US Imperialism in East Asia*, Palgrave MacMillan, New York, 2012, p. 69

²⁰³ Supple, *Twenty years too long*.

²⁰⁴ Hawkins, *Critical years in immigration*, pp. 173-174

ingredients for one of the most controversial and divisive issues in Australia's history.'²⁰⁵

6.7 From Boatpeople to Mandatory Detention

With the official abandonment of White Australia in 1973, government policies regarding unauthorised immigration and refugees slowly began to change. Formally, a series of non-discriminatory immigration policies were enacted, while ideologically Australia started to embrace a more egalitarian and multiculturalist outlook. In reality however, these changes had little real impact on the immigration experiences and racism faced by refugees in Australia during this period.

In the aftermath of the Vietnam War, the arrival of small numbers of Indo-Chinese refugees by boat had initially garnered a degree of public sympathy. Moreover, with Australian thinking during the War dominated by Cold War domino theory²⁰⁶, the arrival of opponents and victims of communism in its aftermath was regarded politically as a 'bonus'.²⁰⁷ Soon however, their visible non-whiteness and cultural differences inflamed historical fears and allowed successive Australian governments to begin sanctioning the establishment of a false dichotomy between those that were 'legitimate' and those that were 'unauthorised'. Unsurprisingly with both sides of government reviving historical anxieties, these false dichotomies saw refugees increasingly become the target of hysteria, racism and discrimination.²⁰⁸

By 1977 the Labor Party—in an attempt to gain public support—had started to question the motives and 'legitimacy' of the boat arrivals. 'It's not credible', Whitlam, then leader of the Opposition remarked, 'that two and a half years after the

²⁰⁵ A Peacock, cited in Z Anderson, 'Borders, babies and "good refugees": Australian representations of "illegal" immigration, 1979', *Journal of Australian Studies*, vol. 36, no. 4, Dec 2012, p. 499.

²⁰⁶ Domino theory held that a communist victory in one nation would lead to similar communist successes in neighbouring states. In South-East Asia, the United States government used the domino theory to justify American resistance against international communism. See: LH Gelb & RK Betts, *The irony of Vietnam: The system worked*, Brookings, Washington, D.C., 1979, p. 197.

²⁰⁷ Burke, *Fear of Security*, p. 115

²⁰⁸ Hewson, 'Malcolm Fraser's refugee policy'.

end of the Vietnam War, these people should suddenly be arriving in Australia.’²⁰⁹ Despite the fact that an estimated 373 000 people were still ‘languishing in camps’ throughout South-East Asia, Whitlam’s remark suggested that with the war over, the plight of those seeking asylum was also over, and thus the boat arrivals were no longer deserving of Australia’s sympathy.

With the boat arrivals no longer deserving of Australia’s sympathy, public debate began to centre on the motives of those seeking asylum – were these boat people genuine refugees or the beginnings of a much larger invasion from the north?²¹⁰ Accordingly the idea of the pseudo-refugee began to take shape. As Labor spokesperson on immigration, Senator Tony Mulvihill, told Parliament:

Without putting it on a sort of class basis, the fact of the matter is that any rationalisation or distribution of wealth in Asia will result in the merchant class suffering. Without reopening old sores, it my honest opinion that the people with the wealth did not have the heart to fight...Now that there is to be a redistribution of wealth many people are attempting to leave as pseudo-refugees.²¹¹

Thus, according to Mulvihill, Australia had a reason to remain alert. These refugees were not only undeserving but more importantly were calculating and immoral. Indeed, not only had they avoided their duty to ‘fight’ but they had cunningly exploited the refugee system (and consequently Australia’s generosity) for the purpose of personal economic benefit.

In addition to being ‘economic’ or pseudo refugees, Senator Mulvihill further suggested that boat arrivals, by arriving in Australia unannounced, had bypassed official process and ‘jumped the queue’. Thus, he concluded, ‘if a person wants to

²⁰⁹ G Whitlam, cited in HGP Colebatch, ‘The left rewrites its history on refugees’, *Quadrant*, 9 October 2010, viewed 2 Jan 2014, <https://quadrant.org.au/magazine/2010/10/the-left-rewrites-its-history-on-refugees/>.

²¹⁰ Viviani, *The Long Journey*, pp. 77-81.

²¹¹ Commonwealth of Australia, *Parliamentary Debates*, Senate, no. 12, 22 March 1977, (Anthony Mulvihill, Senator), p. 378.

get into this country quickly, he should not line up at an Embassy; he should be one of the artful dodgers.’²¹²

In this way, Senator Mulvihill had effectively and covertly, dichotomised refugees according to their mode of arrival. Refugees arriving via ‘official processes’ were upstanding citizens, deserving of protection and resettlement; while refugees arriving unannounced on boats were manipulative ‘artful dodgers’, ready to exploit Australia’s generosity. This dichotomy highlights the institutional nature of Australian racism. Those arriving via official channels had been ‘specifically selected’, and thus were automatically granted ‘white’ membership. Those arriving unannounced however, remained unmistakably non-white.

Between 1975 and 1979, the increasing number of refugees arriving by boat began to cause significant public alarm. Media began echoing the sentiments of Australian politicians and newspapers from all over Australia began to fill with stories of ‘Pirate Ships’ replete with ‘Soviet-made AK-47s’ and ‘hordes of invading foreigners’ intent on storming Australia’s shores.²¹³

As refugees became increasingly linked to historical discourses of crime, immorality and unsuitability and the myth of the ‘bogus’ refugee took hold, successive Australian governments began to develop political policies that aimed to deliberately limit the entry of Indo-Chinese refugees. With a federal election looming, immigration had become a topical political issue and the Labor Party attempting to destabilise the Coalition began to advocate for tighter controls in order to stem the flow. As then ALP president Bob Hawke told a media conference in Hobart:

Obviously there are people all around the world who have a strong case for entry into this county and successive governments have said we have an obligation, but we also have an obligation to people who are already here...Of course we should have compassion, but people who are coming in this way are not the only people in the world who have rights to our compassion. Any sovereign country has the right to

²¹² *ibid*, p. 379.

²¹³ CP Rodd, ‘Boats and borders: Asylum seekers and elections, 1977 and 2001’, in D Lusher & N Haslam (eds), *Yearning to breathe free*, The Federation Press, Annandale, NSW, 2007, p. 37.

determine how it will exercise its compassion and how it will increase its population.²¹⁴

In 1976, the Fraser government had granted around 1300 Timorese evacuees permanent resettlement in Australia and amnestied 8614 visitors who had overstayed their visas.²¹⁵ Importantly however, the Fraser government, despite contemporary understandings²¹⁶, had not openly welcomed the arrival of Indo-Chinese refugees.²¹⁷ In fact, while significant numbers of refugees were resettled during Fraser's prime ministership, the acceptance and resettlement of refugees had largely been a 'pragmatic decision with economic and geopolitical motives'.²¹⁸ Thus, when 'word arrived of...larger 'steel hulled vessels' carrying thousands of refugees; the Fraser government began to look for ways to stop the boats.'²¹⁹

6.7.1 The First Wave

In November 1977, the Australian naval patrol vessel HMAS *Ardent* intercepted a boat carrying approximately 180 Vietnamese asylum seekers, bound for Darwin.²²⁰ By December that year, boats carrying refugees from South-East Asia were arriving

²¹⁴ B Hawke, cited in Button, 'Beyond belief', p. 86.

²¹⁵ J Jupp, *From White Australia to Woomera*, pp. 43–44; C Price, 'Immigration and ethnic affairs', in A Patience & B Head, *From Whitlam to Fraser: Reform and Reaction in Australian Politics*, Oxford University Press, London, 1979, p. 211.

²¹⁶ Much scholarship suggests that the Fraser government had welcomed refugees from South-East Asia. See: Richards, *Destination Australia*, p. 286; R Manne & D Corlett, 'Sending them home: Refugees and the new politics of indifference', *Quarterly Essay*, 13, Black Inc, Melbourne, 2004, p.2; G Tavan, 'Creating multicultural Australia': LLocal, gGlobal and trans-national cContexts for the creation of a Universal Admissions Scheme, 1945-1983', in T Triadafilopoulos (ed.), *Wanted and Welcome?: Policies for Highly Skilled Immigrants in Comparative Perspective*, Springer, London, 2013, p.54

²¹⁷ Supple, 'Twenty years too long'; T Soutphommasane, *Don't go back to where you came from: why multiculturalism works*, NewSouth Publishing, Sydney, 2012; R Stevens, 'No, the Fraser era was not a golden age for asylum seekers', *The Sydney Morning Herald*, Opinion, 2 Feb 2012, viewed 11 March 2014, <http://www.smh.com.au/federal-politics/political-opinion/no-the-fraser-era-was-not-a-golden-age-for-asylum-seekers-20120201-1qtce.html>; K McKenzie, 'Fraser forgets the deaths and misery', *The Canberra Times*, Letters, 31 July 2013, viewed 26 June 2014, <http://www.canberratimes.com.au/comment/smh-letters/fraser-forgets-the-deaths-and-misery-20130731-2qya6.html>.

²¹⁸ A Martin, 'Malcolm Fraser: humanitarian?', *Direct Action*, no. 33, June-July, 2001, viewed 11 Nov 2013, http://directaction.org.au/issue_33_june_july_2011/malcolm_fraser_humanitarian.

²¹⁹ Supple, 'Twenty years too long'; UNHCR, 'The state of the world's refugees 2000: Fifty years of humanitarian action', *UNHCR*, 2000, viewed 10 Jan 2013, <http://www.unhcr.org/4a4c754a9.html>, p.82.

²²⁰ J Button, 'Beyond belief: What future for Labor?', *Quarterly Essay*, no. 6, 2002, p.85.

on almost a daily basis. With a federal election set for the 10 December, and increasing numbers of boats arriving on Australian shores, Peacock's warning²²¹ was actualised, and issues of refugee resettlement began to garner significant political debate.

Until 1978, the Fraser government had effectively managed to control Australia's intake of refugees by refusing to resettle more than 'a few thousand' from the refugee camps.²²² Soon however, with almost 62 000 'boat people' waiting throughout South-East Asia²²³, States within the region²²⁴ began to assert that they had 'reached the limit of their endurance'²²⁵ and demanded that Australia take 'its share'.²²⁶

With reports of 'steel hulled vessels' carrying more than 2000 passengers, the Fraser government had grown increasingly concerned about the possibility of an influx of refugees arriving from South-East Asia.²²⁷ In response, Immigration and Ethnic Affairs Minister Michael MacKellar declared:

I give strong warning that we shall not accept cases involving subterfuge. I include here situations where people falsely represent themselves as refugees in order to gain admission to Australia.²²⁸

MacKellar's declaration confirmed the Fraser government's covert racism. Firstly, Australia was not prepared to accept large numbers of refugees that arrived on its shores unannounced and secondly, Australia had doubts regarding the legitimacy of their claims for asylum. Nonetheless, under increasing international pressure, the

²²¹ See p. See: footnote 1057.

²²² H Hewson, 'Malcolm Fraser's refugee policy: No model for today', *Solidarity.net.au*, 9 August 2012, viewed 18 Nov, 2013, <http://www.solidarity.net.au/refugees/malcolm-frasers-refugee-policy-no-model-for-today/>; R Stevens, 'Political debates on asylum seekers during the Fraser Government, 1977-1982', *Australian Journal of Politics and History*, vol.58, no. 4, 2012, pp.526-527.

²²³ UNHCR, 'The state of the world's refugees', p.82.

²²⁴ Such as: Malaysia, Indonesia, Thailand, Phillipines and Singapore.

²²⁵ 'Joint Communique' issued at the Twelfth ASEAN Ministerial Meeting, Bali, Indonesia, 28-30 June 1979', in Thailand Ministry of Foreign Affairs, *Documents on the Kampuchean 1979-1985*, MFA, Bangkok, 1985, p. 78.

²²⁶ Viviani, *The long journey*, p. 80; Hewson, 'Malcolm Fraser's refugee policy.

²²⁷ Viviani, *The long Journey*, pp. 77-18; J Coughlan & D McNamara (eds), *Asians in Australian: Patterns of Migration and Settlement*, Macmillan, Melbourne, 1997, p.28.

²²⁸ M MacKellar, 'Reports on Vietnamese refugee boat', *Commonwealth Record*, 6-12 November 1978 cited in Stevens, 'Political debates', p. 529

Fraser government announced in March 1978 that it would increase the numbers of refugees accepted from Thai and Malaysian refugee camps from 5000 to 9000 per year.²²⁹

The Fraser government's commitment to resettle 9000 refugees was not particularly generous and soon Australia was accused of cherry picking refugees who were the 'best fit' for Australia's migration rather than who best met humanitarian entry criteria.²³⁰ The accusations were not unfounded. In fact the ability to select refugees along with policies to prevent boat departures formed the basis of the Fraser government's comprehensive 'regional solution'.²³¹

Fraser's intention to choose 'who could come to Australia' is further exemplified by statistics highlighted by Price, who notes that:

By mid-1978, about 8000 Indo-Chinese refugees were in Australia, including the 1200 or so admitted by the Whitlam government: 1000 or so from the boats, nearly 1000 students and other temporary residents allowed to remain and about 6000 selected by Australian officers posted abroad.²³²

Thus, while the Fraser government did resettle a significant number of refugees, the vast majority had been specifically selected to ensure their 'suitability' for resettlement. Thus, while overtly the 'first wave' of boat arrivals provided the Fraser government with an opportunity to showcase its new egalitarian and 'multiculturalist' immigration policy, it also covertly allowed a continuous and covert racism to permeate refugee policy.

6.7.2 The Second Wave

Between 1982 and 1988, there was a relative lull in global refugee movements and no boats carrying refugees arrived in Australia. The end of the Cold War along with the events of Tiananmen Square however, saw numbers dramatically increase. Thus, in 1989, the arrival of 27 Indo-Chinese refugees, signaled the beginning of the

²²⁹ Viviani, *The long journey*, p.80

²³⁰ *ibid.*, pp. 87–88.

²³¹ Hewson, 'Malcolm Fraser'; Price, 'Immigration and Ethnic Affairs' p.211.

²³² Price, 'Immigration and Ethnic Affairs', p.212.

'second wave' and by 1994, eighteen boats, along with approximately 1500 refugees had arrived on Australia's shores.²³³

In 1983, the Hawke government had endorsed the 'durable solutions' proposed by the UNHCR in respect to the Indochinese refugee problem: first voluntary repatriation; second social integration in countries of first asylum; and as a final resort, resettlement in third countries such as Australia.²³⁴ By 1989, the Australian landscape had changed significantly. The visibility of non-white refugees that had been resettled during the Fraser and Whitlam governments, along with the return of boat arrivals (this time from Cambodia and China) had reignited historical racisms and soon anxieties over the 'asianisation' of Australia began to surface.

These fears of asianisation were triggered in 1984, when historian Geoffrey Blainey spoke to members of the Warrambool Rotary Society cautioning against increased immigration from Asia:

Australia had nearly always been a multicultural society. It had only been a uniform and homogenous society for a brief period in the 1930s and 1940s. One of the positive values that have flowed from this history of diversity was tolerance of difference customs and belief but, if a nation was to be effective, its people had to have values in common. It had to be monocultural as well as multicultural...the massive increase in immigration from Asia was now a mistake, because the pace of change was well ahead of public opinion. The tiny majority of Asian residents in Australia were being given unusually favourable treatment in the allocation of migration places.²³⁵

Using a dichotomy of 'us' versus 'them' in which one was dominant over the other, Blainey's arguments focused on emphasising the incompatible and unchangeable differences between ordinary white Australians and the non-white foreign other.

Drawing on historical fears of an Asian invasion discussed in Section 5.6, it not only revived anti-asian racisms by claiming levels of Asian immigration were too high, but implied inherent and immutable differences between the white Australian and the

²³³ DIMA, Fact Sheet 81; Betts, 'Boatpeople', p.35.

²³⁴ Phillips & Spinks, 'Boat arrivals'.

²³⁵ G Blainey, cited in Leuner, *Migration*, p.110.

non-white refugee. Significantly, Blainey's assertion had a dog whistle effect, and soon politicians, media and wider Australian society began to question the racial 'balance' of Australia's immigration policies.²³⁶

In many ways, this 'us' versus 'them' dichotomy is useful to understand the covert institutional racisms that underpinned much political policy during this period. In avoiding the use of physical differences as a marker of incompatibility, Blainey's arguments appeared non-racist. Covertly however, the dichotomy created by such so-called immutable cultural and 'lifestyle differences' confirmed a structural racism, where those hailing from similar cultural backgrounds were embraced as part of Australia's multicultural society, while those deemed 'culturally incompatible' were largely unwelcome. The contrast between the Hawke government's responses towards Chinese students in the aftermath of the Tiananmen Square massacre compared to their policies regarding boat arrivals in the same period provides another example of this dichotomisation.

On 4 and 5 June 1989, the Chinese People's Liberation Army massacred thousands of unarmed Chinese pro-democracy demonstrators in Tiananmen Square. In Australia, Hawke wept for the thousands of Chinese slaughtered and gave permission to thousands of Chinese students already living in Australia to stay.²³⁷ In the same year, boats carrying Cambodian refugees fleeing the Khmer Rouge began to arrive off the coast of Australia. Hawke however, had no tears for the Cambodian refugees. In fact, instead of allowing them to resettle in Australia, the Hawke government denied their requests to protection and refused to recognise their refugee status under the UN Convention by branding them as 'economic refugees'.²³⁸

Such direct discrimination within Australia's immigration policy was easily observed and citizens from China were directly favoured over those from Cambodia, Vietnam and other countries, as Markus writes:

An element of elitism seems to operate here: the Chinese were students and therefore intellectuals with the prospect of adding value (in employment and intellectual expertise) for the Australian

²³⁶ P Kelly, *The end of certainty: The story of the 1980s*, Allen and Unwin, Sydney, 1992, p. 124-134

²³⁷ Kelly, *The March of Patriots*, pp. 189-190.

²³⁸ *ibid.*, p. 90

community, while the Cambodian boat people were perceived as unskilled ‘others’ who could be hidden away in detention centres.²³⁹

Indeed by using an ‘us’ versus ‘them’ dichotomy, it becomes clear that new racisms centering on ‘incompatibilities’ can be used by politicians to allow certain groups to ‘become white’ while ensuring that other groups remain non-white and othered.

6.7.2 A System of Mandatory Detention

In 1989 and 1990, the Hawke government had been warned by its embassies in Vietnam and Thailand that boats would continue to arrive off Australia unless strong disincentives were imposed. The Hawke government had no intentions of being ‘soft’ on border policy. As Hawke revealed on *A Current Affair*:

We’re not here with an open door policy saying anyone who wants to come to Australia can come. These people are not political refugees. There is not a regime now in Cambodia which is exercising terror, political terror, upon its population...People [are] saying they don’t like a particular regime or they don’t like their economic circumstances, therefore they’re going to up, pull up stumps, get in a boat and lob in Australia. Well, that’s not on. We have an orderly migration program. We’re not going to allow people just to jump that queue by saying we’ll jump into a boat, here we are... do not let any people, or any group of people, in the world think that because Australia has that proud record, that all they’ve got to do is break the rules, jump the queue, lob here and Bob’s your uncle. Bob is not your uncle on this issue. We’re not going to allow people to just jump that queue.²⁴⁰

While Australia had rarely been sympathetic towards unauthorized immigration, until 1990, standard immigration practice had been to hold boat arrivals until officers were able to make a quick determination on whether they should be allowed to stay or face deportation. Rather than detained, those permitted to stay were then sent to old migrant hostels located in major cities to wait until their claims for refugee status had

²³⁹ Markus, *Asylum seekers*, pp. 78-79.

²⁴⁰ B Hawke, quoted in *A Current Affair*, ‘Transcript of interview with Jana Wendt’, *A Current Affair*, TV program transcript, viewed 22 March 2012, pmtranscripts.dpvc.gov.au/transcripts/00008028.pdf

been determined. Importantly the hotels, while theoretically operating as a form of ‘detention’, were very loosely controlled.²⁴¹

An amendment to the *Migration Act 1958*, (*Migration Legislation Amendment Act 1989*) in 1989, introduced a number of changes to Australia’s system of processing unauthorized boat arrivals. Geared towards those arriving via ‘unofficial’ channels, it gave officers the power to ‘arrest and detain anyone suspected of being an ‘illegal entrant’’.²⁴² Thus, while detention remained discretionary, the amendment ‘effectively introduced a policy of administrative detention’, for all unauthorised arrivals (i.e. boat people and those arriving without a valid visa) until their immigration status had been resolved.²⁴³

The increasing numbers of Cambodian refugees arriving in Australia by boat along with growing public resentment towards levels of Asian immigration, led to a refashioning of this immigration practice, and in December 1991, the newly established Keating government responded to the increasing numbers of boat arrivals by establishing Australia’s first immigration detention centre at a disused mining camp in Port Hedland, Western Australia.²⁴⁴ With the Labor government keen to appear tough on border protection, in the following year, the Keating government introduced a controversial policy of mandatory detention. A policy that not only had bipartisan support, but more importantly, has been maintained and upheld by successive governments.²⁴⁵

Mandatory detention was explicitly aimed at stemming the flow of boat arrivals. As then Labor Minister for Immigration, Gerry Hand explained:

The Government is determined that a clear signal be sent that migration to Australia may not be achieved by simply arriving in this country

²⁴¹ Phillips & Spinks, ‘Immigration detention’.

²⁴² Joint Standing Committee on Migration, *Immigration detention in Australia: a new beginning: criteria for release from detention*, First report of the inquiry into immigration detention, House of Representatives, Canberra, December 2008, viewed 18 June 2013, http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=mig/detention/index.htm; Phillips & Spinks, ‘Immigration detention’.

²⁴³ Phillip & Spinks, ‘Immigration detention’.

²⁴⁴ A. Garnier & L Cox, ‘Twenty years of mandatory detention: The anatomy of a failed policy’, paper presented to the Australian Political Studies Association Conference, Hobart, 24-26 September 2012.

²⁴⁵ S Macintyre, ‘Introduction’ in D Lusher & N Haslam (eds), *Yearning to breath free*, The Federation Press, Annandale, NSW, 2007, pp. 12-13; UNHCR, *The state of the world’s refugees*, p. 182.

and expecting to be allowed into the community...The present proposal refers principally to a detention region for a specific class of persons.²⁴⁶

What this shows is that while not overtly 'racist', the policy of mandatory detention effectively differentiated between specific 'classes' of immigrants. Those arriving by air—and therefore more like 'use'—did not require detention, those arriving via unofficial channels however—and therefore culturally dissimilar to 'us'—were to be detained.

Effectively, Keating's policy of mandatory detention imposed harsh penalties on asylum seekers who arrived through alternative channels or for those without the necessary visa. Based on a differentiation between authorised and unauthorised arrivals, it specified that authorised arrivals, such as asylum seekers and refugees who are able to access 'acceptable' entry methods, or who possess a passport and who arrive by plane, would be released into the community. Unauthorised arrivals however, such as those asylum seekers who arrive through alternative channels, either by boat or without a passport or visa, were to be immediately detained.

6.8 Conclusion

In 1971, Prime Minister John Gorton had declared to a group of Australian expatriates in Singapore that Australia could be the 'first truly multi-racial society with no tensions of any kind possible between any of the races within it'.²⁴⁷ Overtly, it was a significant and brave ideological step away from the historical notions of a White Australia. However, while official race-based policy ended with the abolition of the White Australia policy in 1973, Australia's immigration policies in the years to follow continued to reflect a long tradition of race-based exclusion.

While officially (and perhaps, in part, ideologically) considering itself to be multicultural, this chapter has shown that despite rhetoric advocating cultural plurism, Australia's immigration policies during this period continued to demonstrate a structural racism. Indeed as the numbers of refugee arrivals increase, successive

²⁴⁶ G Hand, cited in Phillips & Spinks, 'Immigration detention'

²⁴⁷

Australian governments revealed their unwillingness to reconcile humanitarian responsibilities with national interest by consciously avoiding their international obligations.

Both Whitlam and Fraser, despite their attempts at cultural pluralism, had reacted strongly to immigration flows that were perceived as incompatible with Australian society. Similarly both the Hawke and Keating governments, despite their claims of multiculturalism, enforced principles that sought to control specific forms of immigration. In fact, rather than attempting to find a solution to the numbers displaced worldwide, the Menzies, Whitlam, Fraser, Hawke and Keating governments all chose instead, to pander to and inflame, racially motivated fears based on historical anxieties of an Asian ‘invasion’.

Crucially, during this period of Australia’s history, individuals who were sufficiently ‘white’ and ‘westernised’ were largely welcomed, while those who were unable to access and participate in the ‘Western-white’ dominant discourses were still excluded. Thus, despite an official platform of multiculturalism, and an overt condemnation of racial difference, stereotypes about unchangeable characteristics between different groups of people continued to plague societal discourse in Australia.

In the following Chapter, this thesis moves to an examination of one aspect of the Howard government’s immigration policy. Using a case-study approach, Chapter 7 explores the *Tampa* incident—one of the most contentious issues in Australia’s asylum seeker history.

Chapter 7

Case Study: the MV *Tampa*

*'If you're looking for refugees in need, I know where you find them and you don't find them coming to Australia unlawfully by boat.'*¹

*'I wish that we didn't have to detain people, but you cannot run an immigration policy that people can drive a horse and cart through. And again I say, the best signal we could send to illegal immigrants is don't come in the first place. We are not a soft touch.'*²

On 13 May 1939, a German passenger liner, the SS *St Louis*, left Hamburg bound for Cuba carrying 937 Jewish refugees. The refugees had intended to land in Cuba temporarily with the intention of seeking permanent residence elsewhere. However, by the time they arrived in Cuban waters, the Nazi propaganda machine had swayed Cuban public opinion and, consequently, the ship and its passengers were denied permission to land.³ In desperation, the ship headed towards the United States where it was hoped entry for the refugees might be negotiated.

Arriving at the shores of Miami Beach on 4 June, the *St Louis* was immediately surrounded by the US Coast Guard in order to prevent the refugees on board from reaching the shore. As a final resort, the refugees appealed to President Franklin Roosevelt, asking him to grant their request for political asylum. Roosevelt, however, adamantly refused to grant their request, declaring that there 'would be no early admissions, no landing of refugees and no docking of the *St Louis*.'⁴ With no

¹ P Ruddock, quoted in ABC, 'UNHCR goes up against government in plight of refugees', *The 7.30 Report*, TV program transcript, viewed 27 March 2012, <http://www.abc.net.au/7.30/content/2001/s315568.htm>.

² J Howard, quoted in *ibid*.

³ S Totten & PR Bartrop, 'SS St. Louis', *Dictionary of genocide*, Greenwood Press, Westport, CT, 2008, p. 407.

⁴ Totten & Bartrop, *Dictionary of genocide*, p. 407.

other options available, the refugees were forced to return to Europe. The German captain, unwilling to take the refugees back to Germany, brought them to Belgium, France, Holland and Great Britain. However, the Nazis invaded Belgium, France and Holland just one year later, so despite the captain's valiant efforts, ultimately around half of the refugees on board the *St Louis* perished in Nazi gas chambers.⁵

Just over 50 years later, a strikingly similar scenario played out on the other side of the world when the MV *Tampa*, carrying 433 refugees, was denied permission to enter Australian waters. This time, the refugees were Afghans and instead of fleeing the Nazis, they were fleeing the Taliban. There are some striking similarities and significant differences. The Jewish refugees were murdered while the Afghan refugees were imprisoned in 'detention centres'. The MV *Tampa*, denied permission to dock, was prevented from doing so by the SAS, instead of the US Coastguard, and the Howard, rather than the Roosevelt Government, made the ultimate decisions.

This chapter seeks to investigate the unique and unprecedented events of the *Tampa* in 2001.⁶ Using a case-study approach, it will critically examine the events that not only sparked a dramatic diplomatic dispute between Australia, Norway and Indonesia, but inevitably and substantially changed the Australian political landscape and societal discourse. For the purposes of clarity, the first section of this chapter will provide an overview of the events leading up to Australia's unprecedented decision to close its borders. The second section will instead focus on race, examining both the Howard Government's response and the reactions of wider Australian society.

While the Howard Government undeniably used the *Tampa* in order to secure electoral victory, this chapter will not focus extensively on the government's use of the *Tampa* for electoral purposes.⁷ Instead, it will concentrate on how the events of

⁵ The fateful journey of the *St Louis* is commonly referred to as 'The voyage of the damned'. For further detail about the voyage, see G Thomas & M Morgan-Witts, *The voyage of the damned*, Stein and Day, New York, 1974.

⁶ The following section, which summarises the events of the *Tampa*, has been taken from D Marr & M Wilkinson, *Dark victory*, Allen and Unwin, Crows Nest, NSW, 2004. However, when other texts have been used to supplement this narrative, these have been noted.

⁷ For an examination of Howard's use of the *Tampa* in the 2001 electoral campaign, see Marr & Wilkinson, *Dark victory*; M Maddox, *God under Howard: the rise of the religious right in Australian politics*, Allen and Unwin, Crows Nest, NSW, 2005; D Clune, 'Back to the future? The November

26 August were used by the Howard-led Liberal National Coalition to covertly reintroduce a form of ‘justified’ racism, where an overt avowedness for multiculturalism was encouraged to exist alongside a guiding shadow of White Australia.

7.1 Introduction

On 23 August 2001, 433 refugees⁸ boarded an Indonesian fishing vessel, the *KM Palapa 1*⁹, and set sail for the Australian territory of Christmas Island. Crammed together on the small, ill-equipped vessel, the refugees shared hopes of a better future and life in Australia. Within 24 hours of their departure, however, disaster struck. The grossly overloaded and unseaworthy *Palapa* struggled in the rough conditions and was soon ‘dead in the water’. The refugees, with no communications or emergency equipment, could do nothing but pray for a miracle as the *Palapa* tossed and turned in the heavy seas.

After three days at sea the passengers¹⁰ on the *Palapa* were finally granted their miracle. A Norwegian freighter, the *MV Tampa*¹¹, in response to a mayday call from the *Palapa*, came to its rescue. After a marathon three-hour rescue operation in dangerous and rough seas, a total of 438 people had been rescued: 369 men (one with a broken leg), 26 women (two pregnant) and 43 children. Many of the survivors were exhausted and in the aftermath of the rescue, between ‘a dozen and twenty adults had collapsed unconscious on the deck.’¹² The actions of the *Tampa* had saved the lives of 438 people. However, rather than receiving praise for this heroic act of humanitarianism, Captain Arne Rinnan and his crew were largely ignored by the Australian Government. Instead, the events of the days to follow provided the catalyst for a xenophobic federal election campaign and paved the way for a return to politics consumed in nationalism and fear.

2001 federal election’, *Australian Parliamentary Review*, vol. 17, no. 1, pp. 3–16, viewed 16 January 2014, http://www.aspg.org.au/journal/2002autumn_17_1/1-Clune-Federal%20Election%202001.pdf.

⁸ M Grewcock, ‘Australia’s war on illicit migrants’, in M Lee (ed.), *Human trafficking*, Willan Publishing, Cullompton, Devon, 2007, p. 186; MacCallum, *Quarterly Essay*, pp. 11 & 49.

⁹ For the rest of this chapter, the shortened name *Palapa*, will be used.

¹⁰ For the purposes of clarity, the terms ‘refugees’ or ‘asylum seekers’ in reference to the 433 refugees on board the *Palapa* is used. The term ‘passengers’ refers to the total number of people on board, encompassing both the refugees and the crew.

¹¹ For the rest of this chapter, the shortened name *Tampa* will be used.

¹² Marr & Wilkinson, *Dark victory*, p. 19.

7.2 Background

7.2.1 The KM Palapa I

In the early hours of 23 August, a steady stream of buses began to arrive at the Indonesian port of Pantau, located on the south-west coast of Java. The buses, organised by Indonesian people smugglers, were transporting desperate refugees to the tiny port where a waiting boat would take them to the Australian territory of Christmas Island.

The refugees that boarded were a diverse and varied group of people—among them teachers, mechanics, shopkeepers, farmers and even two medical students. Some, such as Assadullah Rezaee¹³, were travelling with their wives and children. Others, including Abdul Farid Sufizada¹⁴, were travelling alone. Two young children, Hussein and Zainab Ewazi¹⁵, waited with their parents, while others, such as Amin Sharzad,¹⁶ Hussein Ewazi¹⁷, Mohammad Ali Amiri¹⁸ and Wahid Akbari¹⁹, were teenage schoolboys. Most of the individuals²⁰ were minority Hazari Afghans, fleeing the persecution of one of the most brutal regimes in the world—the Taliban.²¹

The passage to Christmas Island came at a cost. Many of the refugees had made huge financial sacrifices, selling fields, trucks, gold and personal possessions to raise the US\$5000 fee²² required for the passage. For some, it was already their second attempt, having sailed from the same port a month earlier. On that trip, the captain, blind in one eye and with nothing but a handheld compass, had failed to find Christmas Island and after four days in heavy seas, had returned the sick and weary

¹³ *ibid.*, p. 3.

¹⁴ Insight, 'Tampa', SBS Insight transcript, viewed 14 January 2014, <http://www.sbs.com.au/insight/episode/transcript/423/Tampa>.

¹⁵ *ibid.*

¹⁶ R Sutton, 'Refugee shares Tampa memories', SBS news online, viewed 14 January 2014, <http://www.sbs.com.au/news/article/2011/08/23/refugee-shares-tampa-memories>.

¹⁷ Insight, 'Tampa', SBS Insight transcript.

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ Of the refugees, 424 were Afghan, 3 were Pakistani and 6 were Sri Lankan.

²¹ R Hogg, 'Criminology beyond the nation state: global conflicts, human rights and the 'new world disorder'', in K Carrington & R Hogg (eds), *Critical criminology*, Willan Publishing, Portland, OR, 2002, p. 188.

²² This figure is quoted by Marr and Wilkinson; however, as 'people smugglers operate outside of the law, this figure is more reflective rather than definitive. In fact, as Crock, Saul & Dastyari highlight in *Future seekers II* on p. 45, it has been alleged that people smugglers have charged between \$3800 and \$40 000 per person for passage to Australia.

refugees to the Indonesian port of Merak. The dire conditions and exorbitant cost of the boat passage to Christmas Island inevitably raises a number of questions: Why were the refugees so determined to risk so much on an unreliable sea journey? Why didn't they pursue legal avenues rather than relying on people smugglers?

For many of those waiting at Pantau, the passage to Christmas Island provided by the Indonesian people smugglers was the only option available. The progressive tightening of Australia's borders since 1999 had significantly reduced the ways in which refugees could seek sanctuary in Australia. Many of the legal avenues for migration had 'dried up'²³, while the introduction of various barriers 'including visa requirements and carrier sanctions on planes that transport people without documents'²⁴, had forced those without proper documentation to seek other, riskier channels. Thus, for desperate refugees, a sea voyage is often perceived to be less harmful than repatriation or a continued life in Indonesia. This view is supported by both the International Organization for Migration and the United Nations High Commissioner for Refugees who contend that 'in the absence of legal migration options . . . migrants invariably exploit the asylum channel, [with] "it being often the only entrance possibility effectively open to them"'.²⁵

Waiting in the port of Pantau was the *Palapa*, a 20-metre wooden Indonesian fishing vessel. Dilapidated with an unstable upper deck, its rundown condition caught the refugees by surprise. The boat before them looked nothing like the modern ship equipped with individual cabins that they had been told to expect. The crude and outdated *Palapa* more accurately resembled 'an old wooden tub'.²⁶ Some, catching sight of the vessel and the amount of people waiting, considered turning back. Others optimistically assumed the 'real' boat was waiting in deeper water.

As they climbed on board, the refugees were handed a flimsy life jacket, some bread and a bottle of water. For many, it was the first time they had seen a boat outside of a television screen and most, coming from landlocked Afghanistan, could not swim. They had no idea of the perilous journey before them. Once on board, the refugees

²³ S Stephen, *Refugees and the rich-world fortress*, Resistance Books, Chippendale, NSW, 2005, p. 5.

²⁴ *ibid.*

²⁵ C Brolan, 'An analysis of the human smuggling trade and the protocol against the smuggling of migrants by land, air and sea (2000) from a refugee protection perspective', *International Journal of Refugee Law*, vol. 14, no. 4, 2002, p. 570.

²⁶ Marr & Wilkinson, *Dark victory*, p. 4.

found themselves crammed into every possible space, many sitting with their 'knees under their chins.'²⁷ Those on the upper deck fared no better; the roof, only one metre or so above the deck, made it impossible to stand. With 438 people on board, the *Palapa* set sail for Christmas Island.

7.2.2 Christmas Island

Christmas Island is Australia's most remote territory. Located approximately 360 km from Java and 2600 km from the nearest Australian state capital city of Perth, it is closer to Indonesia than to Australia.²⁸ Having never been occupied by Aboriginal people, Christmas Island has a relatively 'recent history'—and one which is also inextricably tied to boat arrivals²⁹ and racism. While settled in 1888, it wasn't until 1958 that Christmas Island officially became an Australian territory. However, with Australia operating under the official White Australia policy, the acquisition of Christmas Island with its high Asian population³⁰ and geographic proximity to the Asia–Pacific region was at odds with Australia's desire to maintain a homogeneous, 'white' society. In order to maintain a 'white' Australia, the Menzies Government designated Christmas Island as an external territory. It was a deliberate and strategic move that intended to keep those of colour distinct and separate from 'civilised white' Australian society.

Under the White Australia policy, Australia had, for all intents and purposes, managed to shield its borders from a so-called yellow peril from northern Asia.³¹ The Menzies Government, acutely aware of Christmas Island's geographic 'vulnerability', was intent on keeping it that way. As an external territory, Christmas Island would be governed by Australia but would operate under Singaporean law. Under Singaporean law, Asian workers would be paid lower wages that corresponded with the rates paid to other Asian workers in the region.³² Meanwhile,

²⁷ *ibid.*

²⁸ S Dennis, *Christmas Island: an anthropological study*, Cambria Press, Youngstown, NY, 2008, p. 27.

²⁹ *ibid.*, p. 28. The various boat arrivals and transfer of sovereignty is covered in great detail by Dennis. For a deeper understanding of the development and history of Christmas Island, particularly an analysis of indentured 'coolie' labour, see pp. 27–62.

³⁰ For further detail in regards to the population of Christmas Island, also see *ibid.*

³¹ *ibid.*, p. 33.

³² *ibid.*

their European supervisors, paid by the British mine operators and overseen by the Australian Government, enjoyed a better standard of living and higher wages.³³

In addition to overt wage inequity, Asian workers on Christmas Island were subject to abusive and discriminatory work practices. Workers ‘who did not, for whatever reason, please the European supervisors would have “NTR” [never to return] stamped on their passport’³⁴ and were returned to their states of origin. This practice effectively prevented any Asian workers from settling in Christmas Island. As Ayris and Beck note, the Australian Government ‘was anxious to limit the number of long-term Asian residents on the island [as it] . . . feared that certain international humanitarian agencies might argue that they should be treated as indigenous inhabitants and be eligible for citizenship.’³⁵ Indeed, the Australian Government deliberately and surreptitiously ensured it was able to continue to maintain and uphold the foundations of White Australia. This is a largely unknown chapter in Australia’s racist past.

7.2.3 A Vessel in Distress

On 23 August 2001, with nothing but a compass to guide it to its intended destination Christmas Island, the *Palapa* headed out to sea. Weather conditions were favourable and the captain expected that they would arrive at Christmas Island the following day. For most of the day, the *Palapa* continued uneventfully on its course. Later that night, however, the refugees heard a loud banging noise and, shortly after, the engine stopped. By daybreak the following morning, the vessel was ‘dead in the water.’³⁶

As mentioned above, the *Palapa* was a crude and rudimentary coastal fishing boat with no radio or communications equipment on board. Stalled in the water and with no way of signalling for assistance, mayhem soon erupted. The refugees, fearing for their lives were ‘crying and shouting and yelling.’³⁷ Others began to pray, expecting death to come ‘at any minute.’³⁸ After a few hours, a ship was spotted in the distance. The refugees immediately raced up to the flimsy roof, waving their life

³³ *ibid.*

³⁴ *ibid.*

³⁵ C Ayris & P Beck, *Tai Ko Seng: Gordon Bennett of Christmas Island*, Gordon Bennett Education Foundation, Perth, 1993, p. 11.

³⁶ Marr & Wilkinson, *Dark victory*, p. 7.

³⁷ *ibid.*

³⁸ *ibid.*

jackets and holding up their children so the sailors could see that families were on board. The ship, however, despite flashing its lights as it went past, kept sailing.

As the refugees returned despondently to the deck, the captain informed them that they were already in Australian waters. The news provided the refugees with renewed hope and they quickly ‘tore planks from the flooring of the upper deck’³⁹ and started to paddle. For much of that afternoon, the refugees continued to paddle in teams. However, the boat hardly moved. That night, the passengers heard the sound of a plane flying overhead. Again, they tried to attract attention to their plight, but the plane—despite flashing its lights on the boat—did not stop.

At first light the following morning, the refugees began to paddle again. After a few hours, they spotted another plane. This time, the refugees ran to the roof of the boat and waved their life jackets frantically in the hope of attracting the pilot’s attention. However, again, their efforts were in vain, for the plane, despite flying over the boat, continued on without stopping.

The plane was in fact the de Havilland Canada Dash 8 that had been ordered by the commander of a Surveillance Australia mission to make several ‘overflies’ of the wooden vessel assumed to be a Suspected Illegal Entry Vessel (SIEV). The pilot had seen the people waving during the fly-overs, but as the vessel had not sent out a radio distress signal, he did not respond. Instead, the pilot captured a number of still photographs before sending a report to the Canberra headquarters of Coastwatch—the civil agency that coordinated the surveillance of the seas surrounding Australia. Later, despite it being a Saturday, the sighting was also reported to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). To DIMIA and Immigration Minister Philip Ruddock, however, the sighting was no surprise: they had known that the *Palapa* was on its way for almost 24 hours.

Four hours later, another fly-over was conducted. Not much had changed. The vessel was still stalled, and the people on board could still be seen paddling and waving their life jackets. The *Palapa*, however, at least in a formal sense, had not indicated that it was in distress; there had been no radio contact whatsoever—no mayday call, no SOS. Thus, according to Australian authorities, there was no need to act.

³⁹ *ibid.*

However, as Marr and Wilkinson suggest, the *Palapa* was not an ordinary vessel operating in ordinary circumstances. It was an old, unseaworthy wooden hulk overloaded with its human cargo.⁴⁰ In fact, while the *Palapa* had not issued a formal call for help, it was clearly obvious to the authorities that the vessel was in distress. Both fly-overs had documented people frantically jumping and waving on the roof of the boat, while the unchanged position of the *Palapa*, along with the observation that people were paddling, made it clear that the vessel needed assistance.

However, the Australian Government decided not to issue a call to shipping. Leaving the *Palapa* stranded out at sea, it chose instead to send a fax to the Indonesian national search and rescue authority, BASARNAS, to inform them that a vessel within their rescue zone required assistance. BASARNAS did not respond. That night, as Australian authorities continued to wait for a response, the *Palapa* was hit by a violent storm—waves crashed across the deck and the boat rolled dangerously from side to side. As huge cracks appeared on the hull, many of the refugees tied themselves to the boat with their clothes in a desperate effort to avoid being thrown around the vessel. The men, in a futile attempt to keep out the waves, formed a human wall. Holes that appeared were plugged with plastic and nails that were coming loose were bashed back into place throughout the night. By daybreak the storm was over. They had survived.

As morning broke, the Australian authorities sprang into action. With no reply from BASARNAS, the Australian Embassy sent naval attaché David Ramsay to the BASARNAS agency to personally request them to act. However, BASARNAS did nothing. With no assistance from Indonesian authorities, another fly-over was conducted. This time, the refugees were prepared. Using oil engine as ink, they had managed to create two signs: on one were the letters S O S and on the other a single word—HELP. With the sighting of an official distress call, the Australian Government could no longer wait for Indonesia to act. Finally, at 12.48 pm Canberra time, a call to shipping was made.

⁴⁰ *ibid.*, pp. 9–10.

7.2.4 The Tampa Crisis

A Norwegian freighter, the MV *Tampa*, was on its way from the West Australian port of Fremantle to Singapore when it received a call from the Rescue Coordination Centre (RCC) of the Australian Maritime Safety Authority (AMSA) in regards to a vessel in distress on the high seas.⁴¹ Immediately after receiving the call, Captain Arne Rinnan changed course and headed towards the distressed vessel.

At approximately 2 pm, the *Tampa* pulled up alongside the *Palapa*. The *Palapa* was still in international waters, approximately four hours away from Christmas Island. Captain Rinnan, who had been told to expect a vessel carrying approximately 80 persons, soon realised that the rescue would be far larger than initially expected. The *Tampa*, carrying safety equipment for only 60 people, soon found itself in the middle of an arduous and lengthy four-hour rescue operation. However, all 438 passengers were eventually rescued.

During the rescue, a number of refugees had asked the crew to take them to Christmas Island. Captain Rinnan, knowing he could reach Christmas Island in four hours, had no objections. The Australian Government, however, had other plans. It had finally managed to get through to BASARNAS and immediately advised Rinnan that with Indonesia taking over the rescue operation, he was to take the passengers to the Indonesian port of Merak instead. Accordingly, Rinnan obliged.

Learning that they would be returned to Indonesia, a small group of highly distressed refugees confronted the captain. They told Rinnan that they had nothing to lose and made threats, including that they would ‘jump from the boat and die’⁴² unless he turned back towards Christmas Island. After considering the health and safety of both the rescue passengers and the vastly outnumbered crew, Captain Rinnan decided to turn around and, against the wishes of the Australian Government, headed towards Christmas Island.

Captain Rinnan had followed civilised maritime convention. However, despite the circumstances, the Australian Government steadfastly refused to grant the *Tampa* permission to enter Australian waters. On 27 August the Australian Government

⁴¹ Brennan, *Tampering with asylum*, p. 41.

⁴² Marr & Wilkinson, *Dark victory*, p. 21.

solidified its decision and closed Christmas Island's only port indefinitely. With the port now closed and without permission to enter Australian territorial waters, the *Tampa*, along with its crew and rescued passengers, were forced to remain within the International zone with the Australian territory of Christmas Island clearly within sight.

As the conditions on board the *Tampa* worsened, the Australian Government adamantly refused to accept responsibility. Instead, it argued that Australia had no obligation to assist. In short, the government contended that the responsibility for the rescued passengers lay with either the Indonesian or Norwegian authorities for three main reasons: firstly, the *Tampa* was in international waters; secondly, Indonesia had officially accepted responsibility for the rescue; and thirdly, the *Tampa* was a Norwegian vessel. Relieving itself of any obligations towards those rescued for the time being, the Australian Government quickly began to search for a means to prevent those aboard the *Tampa* from entering Australian territory and accessing Australia's refugee system.

7.2.5 Access Denied

Captain Rinnan was not a political man. As mentioned above, initially he had proceeded, as requested, towards the port of Merak, but when a number of passengers had objected, he had turned back. Christmas Island was, in any event, much closer—less than half the distance to Merak. However, as he approached Australian waters, he received a call from DIMIA. Under no circumstances, the DIMIA official stated, was the *Tampa* to enter Australian territorial waters. Moreover, the official warned, if the *Tampa* chose to ignore the directive, it would find itself 'subject to huge fines' while 'the ship itself could be impounded and sold.'⁴³ To further ensure that his directive was obeyed, Howard instructed Australian Special Air Service (SAS) soldiers to 'take whatever action was necessary [in order] to stop the *Tampa* from moving into or further into Australian territorial waters.'⁴⁴

⁴³ MacCallum, *Quarterly Essay*, p. 47.

⁴⁴ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 516, 29 August 2001, p. 30234 (John Howard, Prime Minister).

In the meantime, with the *Tampa* drifting just outside the Australian border, the situation on board began to deteriorate. As part of the Australian Government's management of the crisis, the Royal Flying Doctor Service (RFDS) had been prevented from providing direct medical assistance to those on board. From its radio communication with the *Tampa* the RFDS had learned of the medical situation on board and it advised the government accordingly:

Tampa indicated 438 persons on board, 15 unconscious patients, 1 sick child, large number of people with open sores and skin infections and a broken leg. Adults have started a hunger strike, suffering from abdominal pains and diarrhoea. RFDS thought situation might worsen, possibly rapidly. Seemed to be substantial deterioration since last night. Confirmed there was a mass situation medical crisis and that medical attention was urgently required.⁴⁵

Medical assistance was not forthcoming. In fact, the government made no arrangements for civilian doctors and nurses from Christmas Island to visit those on board. Instead, to the astonishment of the Australian Maritime Safety Authority (AMSA), the government had issued a directive declaring that no medical teams, apart from the military team, would render assistance to those on board.⁴⁶

Although the *Tampa* was assured that aid would be provided, no medical assistance was provided for over 50 hours.⁴⁷ That night, RCC Australia received a blunt message from Captain Rinnan insisting that help be sent to the *Tampa*:

Norwegian radio-medico has recently been in contact with the ship. The situation is deteriorating. The ship is in urgent need of medical assistance. The priority of the assistance is as follows: (a) medical doctor on board (b) supply of medicines (c) blankets (d) intravenous liquid. Ten of the persons are unconscious with spasms. Forty six children on board. Two pregnant women. One broken leg and several suffering from hypothermia. All adults are on a hunger strike.⁴⁸

⁴⁵ Australian Maritime Safety Authority, 'Timeline for Tampa incident', Submission to Senate Select Committee Inquiry into a Certain Maritime Incident, Canberra, 2001.

⁴⁶ Marr & Wilkinson, *Dark victory*, p. 63.

⁴⁷ *ibid.*, p. 64.

⁴⁸ Quoted in *ibid.*, p. 71.

Finally, on 29 August, the situation became so dire that Captain Rinnan issued a pan-pan call for immediate medical assistance⁴⁹: ‘Request urgent medical assistance. We have explained the condition of the survivors on board the Tampa to the Norwegian radio-medio who have described the situation as a mass situation medical crisis.’ ‘Major outbreak of skin disease, and most of the people suffer from fatigue and exhaustion. Many complaining of stomach cramps. Many showing highly agitated and nervous behaviour. We request urgent medical supplies/assistance.’⁵⁰ Finally, the Australian Government responded. However, instead of a humanitarian response, Howard dispatched an elite command unit—the SAS.⁵¹ In justifying his decision to involve the military, Howard suggested that the requests for urgent medical assistance had been exaggerated:

The government was left with no alternative but to instruct the Chief of the Australian Defence Force to arrange for Defence personnel to board and secure the vessel . . . nobody – and I repeat: nobody, has presented as being in need of urgent medical assistance . . .⁵²

In reality, the decision to despatch the SAS exemplifies the Howard Government’s management and manipulation of the situation. The image of Australian soldiers boarding the *Tampa* was highly political, suggesting to the Australian public that this situation was a major crisis of national significance. Howard did nothing to quell their suspicions. Instead, he suggested the *Tampa* had violated Australian sovereignty:

After picking them up – I stress, at the direction of the Indonesian search and rescue authorities – the *MV Tampa* then proceeded towards the Indonesian port of Merak where the ship had been granted approval – I repeat: the ship had been granted approval – to dock and for the group to disembark. However, under a form of duress, with some people threatening to jump overboard, the master turned the ship around and headed for Christmas Island . . . The current situation is

⁴⁹ Mares, *Borderline*, p. 123. A pan-pan is a form of emergency call, one level below a mayday call.

⁵⁰ Quoted in Marr & Wilkinson, *Dark victory*, p. 71.

⁵¹ A Wilkie, ‘The military and intelligence services’, in C Hamilton & S Maddison (eds), *Silencing dissent: how the Australian Government is controlling public opinion and stifling debate*, Allen and Unwin, Crows Nest, NSW, 2007, p. 182.

⁵² Commonwealth of Australia, *Parliamentary Debates*, no. 516, 29 August 2001, p. 30 (John Howard, Prime Minister).

that the *Tampa* is still lying within Australian territorial waters. It is our view that it should return to international waters.⁵³

In this way, Howard had affirmed the fears of the public and, moreover, had planted the idea that Australia's national borders were under attack. The compelling image of the military boarding the *Tampa* had convinced the public that the government had repelled a threat to sovereignty. As Downer asserted, it was simply a matter of wanting to observe 'our sovereign rights'.⁵⁴ The military approach also allowed Howard to circumvent the obligations of the Migration Act, which would have compelled him to land the survivors on Australian soil.⁵⁵ Most importantly, as SAS operations are always shrouded in secrecy, Howard was able to delay his response to the medical requests from the *Tampa*, allowing him time to formulate his next step. Instead of attempting to provide a humanitarian resolution to the situation, the Howard Government had been busy legislating a Border Protection Bill.

The Border Protection Bill, which was passed on 17 September 2001, had been hastily drawn up and rushed through parliament. It shifted power away from legal institutions and towards government and military officials. The Bill's intention was to reduce 'the continuing influx of unauthorised arrivals to this country.'⁵⁶ Moreover, it allowed the government to use reasonable force to remove any ship within Australian territorial waters.⁵⁷ Most importantly, it was retroactive, legalising Howard's decision to refuse the *Tampa* entry.⁵⁸ It exemplifies Howard's use of 'dog-whistle' and 'wedge' strategies.

7.2.5 The Border Protection Bill

The term 'border protection' was an example of Howard's use of dog-whistle strategy. It suggested that national borders were no longer impermeable—that Australia's borders were under threat—and that sovereignty was therefore at risk. This allowed Howard to successfully sow the seeds of fear in the Australian public.

⁵³ Commonwealth of Australia, *Parliamentary Debates*, no. 13, 30 August 2001, p. 20 (John Howard, Prime Minister).

⁵⁴ Commonwealth of Australia, *Parliamentary Debates*, no. 13, 30 August 2001, p. 30 (Alexander Downer, Minister for Foreign Affairs).

⁵⁵ Marr & Wilkinson, *Dark victory*, pp. 84–85.

⁵⁶ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 13, 28 August 2001, p. 30 (Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs).

⁵⁷ Parliament of the Commonwealth of Australia, Border Protection Bill 2001, ss 4 & 5.

⁵⁸ *ibid.*, s. 2.

This fear was exacerbated by the Border Protection Bill, which allowed the *Tampa* situation to appear as one of national importance. It also allowed Howard to employ covert wedge strategy by suggesting that the situation could only be solved through the uncompromising action and decisive leadership Howard offered.

Leader of the Opposition, Kim Beazley, noted that the Border Protection Bill would have made it legal ‘to order a boat that was sinking out to sea and people would drown.’⁵⁹ Although he had remained largely silent on the Howard Government’s stance during the last few days, the provisions of the Bill were far too radical for Beazley to support it. This was ideal for Howard as it provided him with an opportunity to utilise wedge strategy. Beazley’s refusal to pass the Bill allowed Howard to exploit divisions within the Australian Labor Party (ALP) and to fracture its support base. Moreover, the ALP’s opposition to the Howard Government’s stance on ‘border security’ proved detrimental. The ALP was seen as being ‘soft’ on the issues of boat people.⁶⁰

PART TWO: ANALYSIS

In the year 2000–01, 4137 asylum seekers arrived by boat in Australia.⁶¹ This number, while an increase from previous years⁶², reflected global trends of increased boat arrivals and people smuggling worldwide.⁶³ In 2001 Italy alone saw the arrival of 20,143 boat arrivals, and Spain another 18,501.⁶⁴ In comparison to the numbers of those seeking asylum in Europe and in other parts of the world, the number of asylum seekers arriving by boat in Australia was small.⁶⁵ Additionally, the ratio of

⁵⁹ Mares, *Borderline*, p. 125.

⁶⁰ F Kelly, ‘Tampa issue improves Coalition election prospects’, ABC TV program transcript, 4 September 2001, viewed 18 October 2014, <http://www.abc.net.au/7.30/content/2001/s357998.htm>.

⁶¹ Department of Immigration and Multicultural and Indigenous Affairs, ‘People Smuggling’, DIMIA fact sheet 73, viewed 20 January 2014, <http://sievx.com/articles/psdp/DIMIAFactSheet73.pdf>.

⁶² R Tailby, ‘People smuggling: recent trends and changing responses’, paper presented to the 4th National Outlook Symposium on Crime in Australia, New Crimes or New Responses, convened by the Australian Institute of Criminology, Canberra, 21–22 June 2001, p. 2, viewed 27 January 2014, http://www.aic.gov.au/media_library/conferences/outlook4/tailby.pdf. In the year 1997–98, 157 asylum seekers arrived by boat in Australia.

⁶³ Tailby, ‘People smuggling’, p. 2.

⁶⁴ P De Bruycker, A Di Bartolomeo & P Fargues, ‘Migrants smuggled by sea to the EU: facts, laws and policy options’, *Migration Policy Centre*, app. 1, viewed 13 February 2014, <http://www.migrationpolicycentre.eu/docs/MPC-RR-2013-009.pdf>.

⁶⁵ C Evans, ‘UNHCR report confirms worldwide increase in asylum seekers’, media release, Canberra, 17 June 2009, viewed 29 August 2013, <http://www.minister.immi.gov.au/media/media>

refugees to the total Australian population is lower than that of many comparable Western states. At the end of the year 2000, the ratio of refugees and asylum seekers to the total population was 1:1130 in Australia, compared to 1:572 in Canada, 1:588 in the United States, 1:117 in Switzerland and 1:456 in Germany.⁶⁶

The *Tampa* was also not the first ship carrying asylum seekers to arrive on Australian shores. The number of unauthorised boat arrivals to Australia had been increasing since 1989.⁶⁷ Between 1999 and 2000, for example, 75 boats carrying unauthorised asylum seekers had successfully landed within the Australian border.⁶⁸ While in 2001 another 43 boats arrived, carrying a total of 5516 unauthorised asylum seekers.⁶⁹ The arrival of 433 asylum seekers could not, therefore, be considered an anomaly. Moreover, as the arrival of the *Palapa* had been expected⁷⁰, it cannot be reasonably argued that the arrival of the *Tampa* had come as a surprise, which makes the Howard Government's draconian decision to close Australia's borders even more perplexing.

7.3 The Development of a Race Agenda

The outward criticism of racism along with the simultaneous exclusion and demonisation of minorities is a crucial element of contemporary responses to asylum seekers.⁷¹ 'Problems' with immigration, asylum seekers and refugees are often

for Immigration and Citizenship, Senator Chris Evans, acknowledged 'that the 4750 people seeking asylum in Australia in 2008 was relatively small in global terms'. In addition, former Prime Minister Julia Gillard acknowledged that in 2009 Australia only received 0.6% of the world's asylum seekers. J Gillard, 'Moving Australia forward: address to the Lowy Institute', Sydney, 6 July 2010, viewed 29 August 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2FIE8X6%22>.

⁶⁶ US Committee for Refugees (USCR), *World refugee survey 2001*, USCR, Washington, DC, 2001, pp. 2–3.

⁶⁷ A Schloenhardt, *Migrant smuggling: illegal migration and organised crime in Australia and the Asia Pacific region*, Martinus Nijhoff Publishers, Boston, 2003, p. 149.

⁶⁸ Department of Immigration and Citizenship, 'Detecting unauthorised sea arrivals', p. 29, viewed 13 May 2009, <http://www.immi.gov.au/media/publications/complicance/managing-the-border/pdf/mtb-chapter4.pdf>.

⁶⁹ J Phillips & H Spinks, 'Background note: boat arrivals in Australia since 1976', Parliament of Australia: Parliamentary Library, 2012, viewed 23 June 2012, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/BoatArrivals.

⁷⁰ Marr & Wilkinson, *Dark victory*, p. 8. DIMA 'had known the *Palapa* was on its way for almost 24 hours.'

⁷¹ D Every & M Augoustinos, 'Constructions of racism in the Australian parliamentary debates on asylum seekers', *Discourse Society*, vol. 18, no. 411, 2007, viewed 29 November 2013, <http://das.sagepub.com/content/18/4/411>.

couched in rhetoric that is justifiably ‘non-racist’⁷², and are instead expressed through ‘concerns’ for societal cohesion and compatibility. Portrayals of asylum seekers as different and problematic allow policies of physical or social exclusion; for example, immigration restrictions targeted at specific groups, such as boat people, or government emphasis on the importance of immigrants integrating into Australian society and learning the national language.⁷³ These portrayals are subsequently defended as ‘not racist’ because they do not refer explicitly to biological or genetic differences. For example, Howard’s comment in reference to the ‘children overboard’ affair—‘I certainly don’t want people like that here’⁷⁴—appears to be race-neutral as it neither mentions race nor specifies who the ‘people like that’ are. Therefore, taken at face value, Howard was simply saying that Australians were not the kind of people who would throw their children overboard.

Effectively, however, Howard’s statement⁷⁵ was a dog whistle⁷⁶ to wider Australia—a warning message about race and, in particular, about ‘threatening’ minorities. The reality was that the public knew very well what kind of people Howard was referring

⁷² V Stolcke, ‘Talking culture: new rhetorics, new boundaries of exclusion in Europe’, *Current Anthropology*, vol. 36, no. 1, 1995, pp. 1–24; M Wieviorka, ‘Is it so difficult to be anti-racist?’, in P Webster & T Modood (eds), *Debating cultural hybridity: multicultural identities and the politics of anti-racism*, Zed Press, London, 1997. Here I use the term ‘non-racist’ in that it does not explicitly reference a biological hierarchy.

⁷³ Department of Immigration and Border Protection, ‘Citizenship test’, 2014, viewed 13 February 2014, http://www.citizenship.gov.au/learn/cit_test/. This is the implicit aim of Australia’s citizenship test: ‘English is our national language. Communicating in English helps you to play a more active role in Australian society’. Howard insisted that the test was ‘not racist’ or ‘unreasonable’; instead, he argued that it was a ‘positive way of ensuring that newcomers are more fully integrated’. Australian Associated Press, ‘Migrants need to learn mateship: PM’, *The Sydney Morning Herald*, 12 December 2006 viewed 13 February 2014, <http://www.smh.com.au/news/national/migrants-need-to-learn-mateship-pm/2006/12/12/1165685651880.html>.

⁷⁴ Mares, *Borderline*, p. 135.

⁷⁵ Specifically, the Howard government was accused of using ‘dog whistle politics’ as a key political strategy—where by outwardly rejecting claims of a ‘race election’, the Howard government implicitly sent a high-pitched signal to ‘those attuned to hear it’. See: ‘Election fight on race issue’, *The Dominion* (New Zealand), 16 December 1997, p.8; D Bossio, ‘The whistle we all heard: a re-conceptualisation of the ‘dog-whistle’ in politics and journalism’, *Sustaining Culture*, online proceedings of the annual conference of the Cultural Studies Association of Australia, 6–8 December 2007, University of South Australia, Adelaide, 2008, viewed 12 June 2014, <http://unisa.edu.au/com/csaa/onlineproceedings.htm>; S Poynting & G Noble, “‘Dog whistle’ journalism and Muslim Australians since 2001”, *Media International Australia*, no. 109, pp. 41–49, 2003; D Cottle & D Bolger, ‘John Howard and the race question’, refereed paper presented to the Australian Political Studies Association Conference, 6–9 July 2008, viewed 22 November 2013, <http://www.polsis.uq.edu.au/apsa2008/Refereed-papers/Cottle.pdf>.

⁷⁶ J Fear, ‘Under the radar: dog-whistle politics in Australia’, *The Australia Institute*, discussion paper no. 96, September 2007, viewed 10 March 2010, <http://www.tai.org.au/documents/downloads/DP96.pdf>. Dog-whistle politics is ‘the art of sending coded or implicit messages to a select group of voters while keeping others in the dark.’

to with his comment, ‘people like that’—they were boat people who were overwhelmingly Muslim. These facts were well known and recognised by the Australian public.⁷⁷ Thus, within Howard’s statement there was an implicit racialisation: culturally, ‘people like that’ (boat people), are not like us and they are inherently unable to be Australian.

In a similar way, the Howard Government’s refusal to allow 433 asylum seekers to set foot on Australian soil was again defended as ‘not racist’. Instead, it was portrayed as being in the national interest, with Howard reminding Australians that ‘it is always important on occasions like this to remember that the men and women of our Defence Force are exposed to potential danger.’⁷⁸ Howard’s comment, in highlighting the supposed danger faced by the Australian Defence Force, remained silent on the 433 asylum seekers, other than implying that they were dangerous invaders.

Again, while no overt mention of race is made, the racial intent is clear: boat people are ‘not like us’; they are innately different, unpredictable and fearsome. Howard’s comments and actions were discriminatory for his ‘national interest’ applied only to those who arrived by boat. As retiring Labor MP Colin Hollis noted: ‘Does anyone believe that the government would refuse to allow a ship to offload 400 European people rescued from a tourist vessel in danger of sinking?’⁷⁹

In order to understand how the Howard Government justified the demonisation and exclusion of 433 asylum seekers, it is necessary to explore the ways in which national boundaries and identities were constructed through a crude and xenophobic new racism that sought to divide ‘us’ from ‘them’. Accordingly, this chapter uses Benedict Anderson’s concept of an ‘imagined community’⁸⁰ along with Edward Said’s understanding of the ‘Other’⁸¹ to describe how deeply exclusionary policy

⁷⁷ E MacDonald ‘Immigration the biggest issue on talkback radio’, *Canberra Times*, 21 December 2001, p. 7. Rehome Monitors is the main group that surveys opinions on Australia’s talkback radio. Its analysis found that callers frequently expressed that boat people were Muslim or potential employees of Osama bin Laden.

⁷⁸ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 13, 29 August 2001, p. 30518 (John Howard, Prime Minister).

⁷⁹ C Hollis, quoted in Goodnow, Lohman & Marfleet, *Museums, the media and refugees*, p. 113.

⁸⁰ Anderson, *Imagined communities*, pp. 6–7.

⁸¹ See generally, EW Said, *Orientalism: Western conceptions of the Orient*, Penguin Books, London, 2001.

was not only justified by the Howard Government, but was widely supported by the Australian populace.

7.3.1 The Construction of an ‘Imagined Community’

According to Anderson, the nation is an imagined community ‘because the members of even the smallest nation will never know most of their fellow members, meet them or even hear of them, yet in the mind of each lives the image of their communion.’⁸² In this way, the nation has to be imagined as it stretches beyond one’s immediate experience; it embraces people beyond those with whom citizens are personally acquainted. The unity is therefore not physical, but imagined.

This unity manifests through a rhetorical shift in language. As Billig explains, the shift from the use of ‘I’ to words such as ‘we’, ‘us’ and ‘they’ inevitably conveys a sense of nationhood and a distinct identity.⁸³ For example, in regards to the debate on boat people and asylum seekers, one woman stated:

They just turn up, and we have to do something with them. We have to feed them. We have to give them blankets. We have to entertain their children . . . And who’s paying for it? I’m quite happy for people to come here to Australia . . . but it’s not fair that we’ve got to just pay for these people when we don’t know what the situation is.⁸⁴

Here, the use of the words ‘we’, ‘they’, ‘them’ and ‘their’ highlights the distinction between ‘us’ and ‘them’. In this instance, ‘we’ does not refer to the narrator or to her personal acquaintances. Instead, it represents Australia as a community linked by an identity that is ‘imagined’. In this way, ‘nation-states are not founded upon objective criteria, such as the possession of a discrete language. Instead, nations have to be imagined as communities’⁸⁵, and most importantly, to appear natural and objective.

In denying the *Tampa* entry into Australian waters, the Howard Government had effectively created an ‘imagined community’. Those on the mainland were within

⁸² Anderson, *Imagined communities*, p. 6.

⁸³ M Billig, *Banal nationalism*, Sage, London, 1995, p. 94.

⁸⁴ Focus group participant, quoted in A Romano, ‘Refugees, radio journalism and communications for social change’, in *Proceedings Transformations: culture and the environment in human development*, Australian National University, Canberra, 2005, p. 8, viewed 28 January 2013, <http://eprints.qut.edu.au/9253/1/9253.pdf>.

⁸⁵ Billig, *Banal nationalism*, p. 10.

Howard's borders and thus members of the community, sharing the same histories, cultures and values. Those on the *Tampa*, however, were on the outside and were invariably regarded as strangers—the 'Other'—who were different and incompatible.⁸⁶

7.3.2 The 'Other'

Integral to the creation of an 'imagined community' is a portrayal and understanding of those on the outside as the 'Other'. According to Edward Said, the process of 'othering' requires an understanding of the 'Other' as alien, exotic and threatening. This understanding is therefore in direct opposition to one's perception of self as native, familiar and proper.⁸⁷ In this way, asylum seekers are often reduced to one-dimensional narratives. They are either 'needy, desperate victims' or 'greedy and vicious illegal immigrants'.

Such understandings allow for the unfettered dissemination of negative perceptions and false assumptions and lead to the development of a politics of fear. As Bohmer and Shuman write: 'We fear that if we [provide asylum] too enthusiastically, we will open the floodgates to all the miserable, needy, people fleeing war or crisis, so common in our current world'.⁸⁸ This fear, driven by a profound sense of powerlessness, turns people into passive subjects who are unable to recognise their own 'sameness' and humanity reflected in the face of the 'Other'. In this way, fear allows states to portray the provision of asylum as an act of charity rather than a moral obligation and ensures that 'asylum seekers are guilty until proven innocent.'⁸⁹

Integral to the portrayal of asylum seekers as 'Other' is a need for them to remain invisible. Invisibility, O'Brien explains, works 'on the assumption that out of sight will mean out of mind' as it is difficult 'to relate to stories of . . . human suffering'⁹⁰ when we know nothing about their histories, backgrounds or journeys. Thus, by ensuring that the asylum seekers on the *Tampa* were unable to land, the Howard

⁸⁶ Said, *Orientalism*, p. 1. Here the term is used to reflect Said's concept of the 'Other' as alien and 'Orient'.

⁸⁷ B Ashcroft & P Ahluwalia, *Edward Said*, Routledge, London, 2001, p. 113.

⁸⁸ C Bohmer & A Shuman, *Rejecting refugees: political asylum in the 21st century*, Routledge, London, 2008, p. 11.

⁸⁹ *ibid.*

⁹⁰ M O'Brien, 'Invisible Icarus and asylum seekers', *Eureka Street*, vol. 23, no. 20, 6 October 2013, viewed 11 November 2013, <http://www.eurekastreet.com.au/article.aspx?aid=38294#.Uy1Z6Sg0x0Q>.

Government made certain that the personal stories and suffering of those on board would remain unknown to the Australian public, and that the identification of the asylum seekers as the ‘Other’ would remain firmly in place.

7.4 A Sovereign Right to Protect our Borders

In August 2001, as the *Tampa* turned and headed towards Christmas Island, the Howard Government worked frantically to prevent any of those on board from reaching Australian territory. In Parliament, Howard asserted that permission for the *Tampa* to land on Christmas Island would ‘not be granted’ due to ‘the undoubted right of this country to decide who comes here and in what circumstances’. This was ‘a right’ he contended, ‘that any other sovereign nation has’.⁹¹ His contention had given a clear indication of the government’s position and had provided a framework from which its legal and policy response would develop.

Comparing the imminent arrival of the *Tampa* to an assault on Australian sovereignty by Indonesian people smugglers, the Howard Government ordered the *Tampa* to remain outside Australian territorial waters.⁹² According to a strict interpretation of the law, the Howard Government had the power to deny the passengers on board the *Tampa* the right to disembarkation. However, from a political and moral standpoint, the government knew that it could not simply abandon the 433 asylum seekers on the water.⁹³

With the *Tampa* waiting outside the Australian territorial border, the Howard Government tried to badger Indonesia into accepting the 433 asylum seekers. However, Indonesia refused.⁹⁴ Undeterred, the Howard Government remained resolute, insisting that it was acting reasonably and according to international law. On the following day (28 August), Howard justified the government’s

⁹¹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives, no. 13, 27 August 2001, p. 30234 (John Howard, Prime Minister).

⁹² Marr & Wilkinson, *Dark victory*, pp. 98–99; Mares, *Borderline*, pp. 121–23.

⁹³ C Bailliet, ‘The *Tampa* case and its impact on burden sharing at sea’, *Human Rights Quarterly*, vol. 25, no. 3, 2003.; B Miltner, ‘Irregular maritime migration: refugee protection issues in rescue and interception’, *Fordham International Law Journal*, vol. 30, no. 1, 2006, pp. 94–97, viewed 9 December 2013, <http://ir.lawnet.fordham.edu/ilj/vol30/iss1/3/>.

⁹⁴ MC Ricklefs, ‘Australia and Indonesia’, in Manne (ed.), *The Howard years*, p. 279.

extraordinarily harsh response in an interview with radio presenter Neil Mitchell, asserting:

Our position is that it is not Australia's responsibility to take these people. They were picked up in a search and rescue zone for which Indonesia was responsible. The vessel does not have any Australian citizens on board. The port of nearest feasible disembarkation was Merak, an Indonesian port. It is simply not possible to berth this vessel at Christmas Island, quite apart from any of the diplomatic or other considerations and I think that point has to be emphasised again and again. It's not a question of what is the nearest port, sailing time wise, it's a question of which is the nearest place of feasible disembarkation.⁹⁵

Howard's justification consisted of three main points: first, that the rescue occurred in the Indonesian zone; second, that no Australians were on board; and third, that Christmas Island was not the closest port of 'feasible' disembarkation.

However, Howard's justifications had *no basis in fact*. Firstly, rescue zones are general guidelines, not explicit boundaries; secondly, apart from the crew members of each vessel, those on board, while not Australian, were also neither Norwegian nor Indonesian. Lastly, as Rothwell writes, 'Australia's argument that Christmas Island was an unsuitable port for disembarkation does not seem to hold weight given its proximity to the rescue zone, its medical facilities and an airport.'⁹⁶ The justifications, along with Australia's obligations under international law, will be explored in the section below.

7.4.1 Politics and Rescue

The *Tampa* had been on route to Singapore when Captain Rinnan responded to a call from Australian Search and Rescue (AusSAR) asking him to investigate a vessel in distress. Guided to the sinking *Palapa* by Australian authorities⁹⁷, Captain Rinnan had found the vessel to be 'in a very bad state . . . taking in a lot of water and . . .

⁹⁵ Department of the Prime Minister and Cabinet, 'Transcript of the Prime Minister The Hon John Howard MP interview with Neil Mitchell, Radio 3AQ', *Transcripts from the Prime Ministers of Australia*, 28 August 2001, viewed 27 November 2013, <http://pmtranscripts.dpmc.gov.au/browse.php?did=11996>.

⁹⁶ D Rothwell, 'The law of the sea and the MV *Tampa* incident: reconciling maritime principles with coastal state sovereignty', *Public Law Review*, 13 PLR 118, 2002, p. 121.

⁹⁷ *ibid.*, p. 118.

about to sink.’⁹⁸ In the hours to follow, as outlined above in section 6.2.4, the *Tampa* carried out a rescue in rough seas and ultimately saved the lives of 438 people. By all accounts, Captain Rinnan and his crew had conducted themselves in accordance with the best traditions of the sea.⁹⁹

The Howard Government’s response to the rescue of denying the *Tampa* permission to enter Australian waters was an almost inconceivable decision. The *Tampa* itself was not a vessel involved in people smuggling and there had been no evidence to suggest that those on board were a threat to either the Captain and crew or to Australian society.¹⁰⁰ Why, then, did the Howard Government react in such a harsh and unexpected way? According to Dr J Olaf Kleist, a political scientist and Research Fellow at the Refugee Studies Centre, University of Oxford, the answer was ‘flying at the stern of the *Tampa*.’¹⁰¹

Kleist contends that the *Tampa*’s obligations to its sovereign state (Norway) provided the Australian Government with the perfect opportunity to demonise genuine refugees while simultaneously inflaming and exploiting the fears of Australian society.¹⁰² Before the *Tampa*, boats arriving on Christmas Island could not be expected ‘to respect Australian borders because they had no obligations to any sovereign state.’¹⁰³ Thus, as the *Tampa* was obliged to follow international law and submit to Australian authorities, the Howard Government was presented with a rare opportunity to pursue boat arrivals under the guise of a concern for Australia’s national security.¹⁰⁴ In this way, the arrival of the *Tampa* effectively allowed the

⁹⁸ A Rinnan, quoted in M Kingston, ‘More outpourings’, *The Sydney Morning Herald*, 30 August 2001, viewed 10 October 2013, <http://www.smh.com.au/articles/2003/11/24/1069522530209.html>.

⁹⁹ E Gold, ‘Command: privilege or peril? The Shipmaster’s legal rights and responsibilities’, paper prepared by Professor Captain Edgar Gold for the 12th International Command Seminar: Restoring Confidence in Command, London 21–23 May 2003. Additionally, in 2002 the captain, crew and owner of the MV *Tampa* were awarded the Nansen Refugee Award to honour their ‘international commitment to the principle of rescue at sea.’ See UNHCR, ‘Captain, crew and owner of “Tampa” win Nansen Award for rescue at sea’, *UNHCR*, 19 March 2002, viewed 10 April 2013, <http://www.unhcr.org/3c975a254.html>.

¹⁰⁰ Marr & Wilkinson, *Dark victory*, p. 21; S Taylor, ‘Australia’s response to asylum seekers in the “Age of Terrorism”’, *Migration Action*, vol. 25, no. 3, 1993, viewed, 7 March 2014, <http://www.safecom.org.au/asylum-terrorism.htm>, Captain Arne Rinnan asserted that he never felt personally intimidated or blackmailed by the asylum seekers on board.

¹⁰¹ J Olaf Kleist, ‘Refugees between pasts and politics: sovereignty and memory in the Tampa crisis’, *Does history matter?*, p. 84, viewed 27 March 2013, <http://press.anu.edu.au/wp-content/uploads/2011/07/ch054.pdf>.

¹⁰² *ibid.*; D Cottle & D Bolger, ‘John Howard and the race question’.

¹⁰³ Kleist, *Does history matter?*, p. 84.

¹⁰⁴ *ibid.*

Howard Government to avoid a ‘pre-emptive strike’¹⁰⁵ and, more importantly, was an opportunity for Howard to resurrect the deep underlying fears of mainstream Australia in his quest for electoral dominance.¹⁰⁶ MacCallum agrees, writing, ‘if the *Tampa* had not existed, John Howard would probably have invented it.’¹⁰⁷

7.4.2 No Obligation under International Law

With the rescue over, the Australian Government turned its focus to those on board. Despite their beleaguered status, Howard was determined not to allow any of the 438 passengers to set foot on Australian soil. As the *Tampa* steamed towards Christmas Island, Australian authorities began to threaten Captain Arne Rinnan, warning him that if he intended on entering Australian waters and allowed the passengers on board to disembark, he would ‘be prosecuted under the Australian Migration Act for ‘people smuggling.’¹⁰⁸ This, of course, was absurd. However, according to the logic of the Australian Government, with BASARNAS eventually accepting to coordinate the rescue, the rescued passengers were now a problem for the Indonesian and Norwegian governments to solve.¹⁰⁹

Howard’s argument was, in theory, supported by international law. The International Convention on Maritime Search and Rescue 1979 outlined that a rescue must ‘retrieve persons in distress, provide for their initial medical or other needs and deliver them to a place of safety.’¹¹⁰ What it did not specify, however, is to what port, territory or state those persons classified to be in distress were to be delivered. Thus a legal loophole existed whereby it was ‘an international legal obligation for States to render assistance to persons in distress at sea’, but there was no ‘comparable legally binding duty to disembark these rescued persons’.¹¹¹ The

¹⁰⁵ MacCallum, *Quarterly Essay*, pp. 47–48.

¹⁰⁶ Fear, *The Australia Institute*; Markus, *Race*; MacCallum, *Quarterly Essay*; J Warhust & M Simms (eds), *The centenary election*, University of Queensland Press, St Lucia, 2001; G Rundle, ‘The opportunist: John Howard and the triumph of reaction’, *Quarterly Essay*, no. 3, 2001.

¹⁰⁷ MacCallum, *Quarterly Essay*, p. 47.

¹⁰⁸ Rothwell, *Public Law Review*, p. 118.

¹⁰⁹ S McLeod, ‘Federal Government turns back asylum seekers’, *PM Radio National*, transcript, 27 August 2001, viewed 20 October 2013, <http://www.abc.net.au/pm/stories/s353164.htm>.

¹¹⁰ UNHCR, ‘International Convention on Maritime Search and Rescue, 1979’, adopted 27 April 1979, Annex 1.3.2, p. 25, viewed 29 November, 2013, http://www.unhcr.se/fileadmin/user_upload/PDFdocuments/Rescue_at_Sea_Stowaways_and_Maritime_Interception.pdf.

¹¹¹ J Coppens, ‘Search and rescue of migrants at sea’, in A Weintrit (ed.), *Marine navigation and safety of sea transportation: navigational problems*, Taylor and Francis Group, London, 2013, p. 117.

Howard Government used this to its advantage, affirming on several occasions that ‘in international law we don’t have an obligation.’¹¹²

While the Howard Government was theoretically operating within the law, the law itself is ‘highly symbolic.’¹¹³ The shipping industry has a longstanding moral tradition of providing assistance to those in distress¹¹⁴ with masters of all ships bound by a duty to render assistance to those in need ‘with all possible speed’.¹¹⁵ Moreover, while the responsibility for those rescued after the rescue has occurred is unclear, ‘in the great majority of cases it is in the best interests of all parties for the ‘rescuees’ to be disembarked at a convenient port’ while ‘customary practice indicates that rescuees are often taken to the nearest port’¹¹⁶ unless the master of a ship, due to a variety of circumstances, elects to take them to another.¹¹⁷

Although the rescue had occurred within the Indonesian rescue zone, the nearest and most convenient port was Christmas Island.¹¹⁸ The *Palapa* had been found approximately ‘75 nautical miles from Christmas Island and about 250 nautical miles from the Indonesian port of Merak’¹¹⁹ and was therefore completely within its legal right to proceed towards the Australian territory. As described in Section 7.2.4, initially the *Tampa* had proceeded in accordance with the wishes of the Australian Government and planned to take the rescued passengers to the port of Merak, before continuing on to Singapore.¹²⁰ It was only after a small number of asylum seekers had become agitated and demanded that they be taken to Christmas Island that Captain Rinnan decided to change course and head towards the Australian territory.¹²¹

¹¹² S McLeod, ‘Howard defends Australian stand on Tampa’, *PM Archive: Radio National*, 31 August 2001, viewed 20 October 2013, <http://www.abc.net.au/pm/stories/s355958.htm>.

¹¹³ Rothwell, *Public Law Review*, p. 118.

¹¹⁴ J Murray, ‘Rescue at sea: a challenge for the shipping industry’, UNHCR, viewed 10 January 2014, <http://www.unhcr.org/4ef3002c9.pdf>.

¹¹⁵ Rothwell, *Public Law Review*, p. 118.

¹¹⁶ *ibid.*

¹¹⁷ *ibid.*

¹¹⁸ C Moorehead, *Human cargo: a journey among refugees*, Vintage, London, 2006, p. 107; D Guilfoyle, *Shipping interdiction and the law of the sea*, Cambridge University Press, Cambridge, 2009, p. 199.

¹¹⁹ Mares, *Borderline*, p. 122; Brennan, *Tampering with asylum*, p. 41.

¹²⁰ *ibid.*

¹²¹ *ibid.*

In situations such as this, Schaffer writes, ‘ships’ masters can merely be expected to render assistance to all persons whom they might find in distress at sea. They cannot be asked to shoulder the additional burden of negotiating disembarkation guarantees should those they rescue turn out to be refugees or other displaced persons.’¹²² In this way, the *Tampa* had fulfilled its legal and moral maritime obligations. Travelling with a crew of 27 persons and registered to carry only 40¹²³, the *Tampa*, beyond delivering the asylum seekers to safety, could not be expected to discuss the plight and negotiate the future prospects of those on board as per the wishes of the Australian Government.

7.4.3 The Paramount Sanctity of Human Life

Most governments are aware that rescue situations must not be allowed to develop to the stage ‘where the problems of disembarking those rescued at sea encourages masters to turn a blind eye to people requiring assistance.’¹²⁴ Rather, states must work together to ensure that ships involved in maritime rescue operations, especially those involving refugees, are not unreasonably disadvantaged, financially or otherwise, to ensure that the sanctity of human life is maintained above all other political or regional considerations.

Before changing course, Captain Rinnan had asked the Rescue Coordination Centre in Canberra for advice and informed them that a small number of asylum seekers were ‘acting in an aggressive and highly excited manner’.¹²⁵ Rinnan was told that the decision was his to make—if he felt threatened, then it was entirely ‘the master’s choice’ as to where to take the passengers.¹²⁶ While he had not felt ‘personally intimidated’¹²⁷, the responsible decision, Rinnan felt, was to change course and head towards Christmas Island. According to Rinnan, ‘had he sailed to Indonesia he would

¹²² RP Schaffer, ‘The singular plight of sea-borne refugees’, *Australian year book of international law*, 1980, p. 226, viewed 10 December 2013,

<http://kirra.austlii.edu.au/au/journals/AUYrBkIntLaw/1980/8.txt/cgi-bin/download.cgi/download/au/journals/AUYrBkIntLaw/1980/8.pdf>.

¹²³ Brennan, *Tampering with asylum*, p. 41.

¹²⁴ Murray, ‘Rescue at sea’.

¹²⁵ A Rinnan, quoted in ABC radio, quoted in ‘Cargo of human misery, on a freighter with nowhere to go’, *The Sydney Morning Herald*, 28 August 2001, viewed 17 January 2014, <http://search.proquest.com/docview/363820861?accountid=3615>.

¹²⁶ *ibid.* According to Captain Rinnan: ‘At the same time we were in contact with the rescue centre in Canberra and they told us if we felt threatened it was entirely the master’s decision where we take them.’

¹²⁷ Marr & Wilkinson, *Dark victory*, p. 21.

have exposed the vessel and persons on board to a number of potentially dangerous factors across an open ocean which may have resulted in massive loss of life.’¹²⁸

Despite Captain Rinnan’s reasoning, the Howard Government was determined not to grant the *Tampa* permission to enter Australian waters. Declaring in parliament that it was Australia’s ‘sovereign right’ to decide who would or would not be granted permission, the *Tampa* was immediately contacted and warned not to enter Australian territory. Meanwhile, the Howard Government informed Norway that permission had been denied as Australia was under no obligation to allow the rescued passengers into Australian territory.¹²⁹

The extraordinary decision to close Australian waters to a rescue vessel was condemned internationally. Indonesian Foreign Minister Hassan Wirajuda expressed bafflement, stating: ‘I mean I would not say anything if the ship was in the vicinity of a banana republic, but I mean this is supposed to be a civilized country. It is not behaving like it.’¹³⁰ Others were more critical, with German state broadcaster *Deutsche Welle* reporting that ‘Australia is ruled by a xenophobic, cruel and anti-immigrant government that has given that country a bad name in the community of nations.’¹³¹ While Perre Ronnevig, spokesman for the Norwegian/Swedish shipping company Wallenius Wilhelmsen Logistics, contended that ‘Australia’s reputation as a stubborn white fortress against the Asian hordes has been reclaimed this week with the rejection of a teeming migrant ship and [a] hardening stance against immigration.’¹³²

7.4.4 Who was Responsible?

The Australian Government was in fact walking a very thin line. While BASARNAS had ultimately accepted responsibility for the coordination of the rescue, it was the Australian authorities that had sighted and monitored the *Palapa* for 48 hours before issuing a call to shipping. It was also the Australian authorities that had directed the

¹²⁸ *Victorian Council for Civil Liberties v Minister for Immigration and Multicultural Affairs* [2001] FCA 1297 (11 September 2001) at para. 18, viewed 10 December 2013, www.austlii.edu.au/au/cases/cth/federal_ct/2001/1297.html.

¹²⁹ Brennan, *Tampering with asylum*, p. 42.

¹³⁰ H Wirajuda, quoted in ‘Storming the Tampa refugee crisis’, *The Age*, 30 August 2001, viewed 17 August 2013, <http://search.proquest.com/docview/363515165?accountid=36155>.

¹³¹ *ibid.*

¹³² *ibid.*

Tampa to the point of rescue. Undeterred, the then Minister for Immigration, Philip Ruddock, insisted that responsibility for the rescue, and consequently those rescued, lay with Indonesia as the point of rescue was within the Indonesian boundary.¹³³

These divisions, however, are not so clear-cut. As Marr and Wilkinson highlight, the ‘rescue zones’ or ‘boundaries’ referred to by Ruddock were little more than general guidelines, with the boundaries simply recognising which country was ‘best placed’ to respond to emergencies within the zone. In this particular incident, Australia was in fact the closest state with access to a port facility¹³⁴ and, moreover, had ‘played the principal role in coordinating the MSR [maritime sea rescue] operation . . . to the point of providing air support to guide the *Tampa* to *Palapa I*.’¹³⁵ Arguably, Australia was ‘best placed’ in terms of location and ‘best equipped’ in terms of background knowledge to respond to the emergency. More importantly, Marr and Wilkinson emphasise that there was no arrangement that obliged ‘Indonesia to carry out every rescue’ within its zone.¹³⁶

The question here, however, is not how the Australian Government justified its decision to refuse the *Tampa* permission to enter Australian waters, but why? As Rothwell points out, ‘it seems clear that the *Tampa* was singled out and that the directive was not applicable to other ships.’¹³⁷ In that case, what was it about the *Tampa* that spurred the government into taking such an extraordinary measure? What threat did the *Tampa* pose to Australia?

7.5 The Refugees

Statistics compiled by *Human Rights Watch* reveal that in the year 2000–01 almost all refugees arriving in Australia were from Iraq, Iran and Afghanistan; countries that had been devastated by civil wars and had suffered from severe and ongoing human rights abuses.¹³⁸ The main countries of origin, continued trends from previous

¹³³ Moorehead, *Human cargo*, p. 107.

¹³⁴ Rothwell, *Public Law Review*, p. 120.

¹³⁵ *ibid.*

¹³⁶ Marr & Wilkinson, *Dark victory*, p. 10.

¹³⁷ Rothwell, *Public Law Review*, p. 122.

¹³⁸ Human Rights Watch, ‘“By invitation only”. Australian asylum policy’, *Human Rights Watch*, vol. 14, no. 10(C), December 2002, p. 8; McMaster, *Asylum seekers*, p. xi.

years¹³⁹, where the vast majority of intercepted migrants had come from either Iraq or Afghanistan, with a large proportion having transited via Indonesia on the journey to Australia.¹⁴⁰

The Islamic State of Afghanistan, having endured over twenty-three years of armed conflict, social upheaval and political unrest¹⁴¹ was in the midst of an overwhelming humanitarian crisis. Since 1978 almost one third of Afghanistan's 26 million inhabitants had been forcibly displaced.¹⁴² In 1995 the rise of the Taliban¹⁴³ saw a huge escalation in violence and displacement. Controlling over 90% of the country, the Taliban governed as a 'repressive police state.'¹⁴⁴ Strict behavioural codes were introduced curtailing the 'fundamental rights and freedoms of women'¹⁴⁵, minority ethnic and religious groups were persecuted, and civilians were killed and tortured indiscriminately.¹⁴⁶ The years of conflict combined with 'serious human rights violations, war crimes and crimes against humanity'¹⁴⁷ made Afghanistan the world's largest refugee source country.¹⁴⁸

7.5.1 The Hazara

Almost all Afghan refugee seeking asylum in Australia are Hazara¹⁴⁹ and their displacement and plight is so recognisable that 95% are found to be genuine

¹³⁹ Department of Immigration and Multicultural and Indigenous Affairs, 'Managing the border: immigration compliance', in *Department of Immigration and Multicultural and Indigenous Affairs, 2004–2006*, Belconnen, Canberra, 2005 pp. 30–31; T McInerney, 'People Smuggling – an inhuman trade', *Platypus Magazine*, September 2000, viewed 27 December 2013, <http://www.afp.gov.au/media-centre/publications/platypus/previous-editions/2000/september-2000/1psmugl.aspx>. Data based on years 1999–2001.

¹⁴⁰ Department of Immigration and Multicultural and Indigenous Affairs, 'Managing the border: immigration compliance', pp. 30–31.

¹⁴¹ For a detailed assessment of the violence and civil conflict in Afghanistan, see A Rashid, *Taliban: Islam, oil and the new great game in Central Asia*, IB Tauris, New York, 2002.

¹⁴² H Ruiz & M Emery, 'Afghanistan's refugee crisis', *Middle East Research and Information Project*, 2001, viewed 20 October 2013, <http://www.merip.org/mero/mero092401>.

¹⁴³ For a detailed examination of the Taliban regime see TH Johnson & WC Mason, 'Understanding the Taliban and insurgency in Afghanistan', *Orbis: A Journal of World Affairs*, vol. 51, no. 1, 2007, pp. 71–89; W Maley (ed.), *Fundamentalism reborn? Afghanistan and the Taliban*, C Hurst, London, 2001.

¹⁴⁴ Ruiz & Emery, 'Afghanistan's refugee crisis', Crock, Saul & Dastyari, *Future seekers II*, p. 38.

¹⁴⁵ Human Rights Watch, '“By invitation only”. Australian asylum policy', p. 9.

¹⁴⁶ *ibid.*

¹⁴⁷ Crock, Saul & Dastyari, *Future seekers II*, p. 38.

¹⁴⁸ United Nations High Commissioner for Refugees (UNHCR), 'Facts and figures about refugees', viewed 22 September 2013, <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>. As of 2012, this was the position it had held for thirty-two years.

¹⁴⁹ G Farr, 'The Hazara of Central Afghanistan', in B Brower & BR Johnston (eds), *Disappearing peoples? Indigenous groups and ethnic minorities in South and Central Asia*, Left Coast Press, Walnut Creek, CA, 2007, pp. 153–69. This text provides a deeper understanding of the plight of the

refugees.¹⁵⁰ Originating primarily from the central highland region of Hazarajat in Afghanistan, the Hazara are a minority ethnic group that has historically faced severe economic, social and political discrimination, genocide and persecution.¹⁵¹ As Shia Muslims, they are a religious minority in Afghanistan where 85% of the population is Sunni Muslim. As a consequence, they have consistently been persecuted by the Sunnis and by the Pashtuns, the largest ethnic group in Afghanistan.¹⁵²

After the Taliban came to power in 1994, the Hazara were subjected to further violence and oppression. In retaliation for a previous conflict that resulted in the deaths of Taliban soldiers, the Taliban enforced a food blockade on Hazarajat that caused mass starvation.¹⁵³ At the same time, the Taliban declared that ‘Hazaras are not Muslims. You can kill them. It is not a sin.’¹⁵⁴ The Taliban then indiscriminately massacred 8000 Hazara civilians in what witnesses described as a ‘killing frenzy’.¹⁵⁵ Later in May 2000 and January 2001, the Taliban executed hundreds more Hazara civilians as a collective punishment for local residents whom the Taliban suspected of cooperating with opposition forces.¹⁵⁶

For the 433 asylum seekers on board the *Tampa* and for many other ethnic Hazara, the violent massacres at the hands of the Taliban left them with no choice but to flee their homelands. Initially, most refugees flee to bordering countries, such as Pakistan.¹⁵⁷ The mere act of crossing state borders, however, does not ensure their safety as within the Asia–Pacific region, very few countries provide or are able to

Hazara people, who have historically been discriminated against, marginalised and persecuted by various Afghan governments.

¹⁵⁰ S Neighbour, ‘Comment: Hazara asylum seekers’, *The Monthly*, June 2011, viewed 22 December 2013,

http://search.informit.com.au.ezproxy.uws.edu.au/documentSummary;dn=052558907343268;res=IEL_APA.

¹⁵¹ Farr ‘The Hazara of Central Afghanistan’, p. 160; Neighbour, *The Monthly*; B Glatzer, ‘Afghanistan: ethnic and tribal disintegration?’, in Maley (ed.), *Fundamentalism reborn?*, p.172.

¹⁵² LP Goodson, *Afghanistan’s endless war: state failure, regional politics and the rise of the Taliban*, University of Washington Press, Seattle, 2001, pp. 16–17.

¹⁵³ BG Williams, ‘Afghanistan’, in A Moghadam (ed.), *Militancy and political violence in Shiism: trends and patterns*, Routledge, Abingdon, Oxon, 2012, p. 191.

¹⁵⁴ Neighbour, *The Monthly*; Williams, ‘Afghanistan’, p. 191.

¹⁵⁵ Human Rights Watch, ‘Afghanistan: the massacre in Mazar-I Sharif’, vol. 10, no. 7(C), November 1998, viewed 28 December 2013, <http://www.hrw.org/legacy/reports98/afghan/>.

¹⁵⁶ Human Rights Watch, ‘Afghanistan: massacres of Hazaras in Afghanistan’, vol. 13, no. 1(C), 19 February 2001, pp. 5–10, viewed 28 December 2013, <http://hrw.org/reports/2001/02/01/massacres-hazaras-afghanistan>.

¹⁵⁷ M Crock & P Mathew, ‘Immigration law and human rights’, in D Kinley (ed.), *Human rights in Australian law*, Federation Press, Leichhardt, NSW, 1998, pp.164–55. Bordering countries such as Pakistan are often referred to as ‘countries of first asylum’.

provide effective protection. Pakistan, for example is not a signatory to the United Nations Refugee Convention and, therefore, Afghan refugees seeking asylum in Pakistan often find themselves ejected by the police and sent back to Afghanistan.¹⁵⁸ For this reason, many asylum seekers are forced to travel through a number of countries in the hope of gaining protection from persecution.

For refugees seeking asylum, the journey from a country such as Afghanistan to Australia is a lengthy and dangerous process.¹⁵⁹ Many must flee without their families, or flee while they are still children themselves. As Mustafa's personal account demonstrates, it is a journey that is embarked on only out of sheer necessity.

My father was a landlord who got involved with the political party Hezb-i Wahdat. The Taliban abducted my older brother and they made threats about killing my other brothers and sister if my father did not submit weapons which they believed he was hiding. As he did not have any weapons, he offered money instead, but they did not accept this and dumped my brother's murdered body at the front door of our house. My father and I were in hiding in the mountains on this day, but we heard what had happened and returned to our village to bury the body. A few days later the Taliban repeated their demands and my father said to me: "I have to save you. I have to send you to Pakistan"... It was a friend of my father's who advised that I would not be safe from the Taliban in either Iran or Pakistan and suggested that I be sent to Australia.¹⁶⁰

The experiences of the 433 asylum seekers on board the *Tampa* echoed Mustafa's account. Their decisions to board a leaky boat bound for Christmas Island were born from necessity. Many had been discriminated against politically and economically, while others had been persecuted for their ethnicity and faith.¹⁶¹ They all had feared for their lives. To the asylum seekers on board the *Tampa*, Australia was a chance to

¹⁵⁸ Hathaway, *The rights of refugees under international law*, p. 283.

¹⁵⁹ J Bhabha, M Crock, N Finch & S Schmidt, *Seeking asylum alone, a comparative study: a comparative study of laws, policy and practice in Australia, the U.K. and the U.S.*, Themis Press, Annandale, NSW, 2007, p. 44.

¹⁶⁰ Quoted in Human Rights Watch, ' "By invitation only". Australian asylum policy', p. 9, viewed 28 December 2013, <http://hrw.org/reports/2002/australia/>. The official spelling of the political party quoted is 'Hizb-e Wahdat'.

¹⁶¹ T Dusevic, 'Tampa refugees resurface as Kiwis', *The Australian*, 20 August 2011, viewed 22 October 2011, <http://www.theaustralian.com.au/national-affairs/tampa-refugees-resurface-as-kiwis/story-fn59niix-1226117936857>.

start a new life. Australia, they were told by people smugglers, was a Western democracy that was a cheaper and more reliable alternative than Europe or the United States. Australia was an egalitarian, multicultural society—a country that denounced racism, showed compassion towards refugees and, most importantly, was a country deeply committed to human rights.¹⁶² What they were not told was that Australia's compassionate multiculturalism extended only to those within the borders of Howard's imagined community.

7.6 The Invasion Complex

The politics of Australian immigration has historically been shaped through a longstanding invasion anxiety that emphasises Australia's perceived vulnerability as a European island surrounded by its Asian–Pacific neighbours. While the development of security measures and migration policies were central to the formation of most nineteenth century sovereign states, in Australia, the development and implementation of restrictive immigration policies reflected a range of motivations and insecurities relating to the nation's foundations as a colonial British outpost.¹⁶³

These longstanding invasion anxieties ensure that Australian society, in general, remains hostile to the idea of a multiracial society.¹⁶⁴ According to historian David Walker, this hostility stems from what he calls a 'survivalist anxiety'¹⁶⁵, which has been shaped by Australia's 'long and strong xenophobic, racist and insular traditions'¹⁶⁶ and feeds on the belief that the admittance of a single foreign element will inevitably destroy the whole. In this way, political discourse on immigration policy and security in Australia is framed through a 'struggle for survival', where the rise of one element necessitates the demise of the other.¹⁶⁷

¹⁶² Marr & Wilkinson, *Dark victory*, pp. 4–5.

¹⁶³ Jupp, 'The quest for harmony', p. 15; A Burke, *In fear of security: Australia's invasion anxiety*, Cambridge University Press, New York, 2008, p. 234.

¹⁶⁴ Jupp, 'The quest for harmony', p. 7.

¹⁶⁵ D Walker, 'Survivalist anxieties: Australian responses to Asia, 1890s to the present', *Australian Historical Studies*, vol. 33, no. 120, 2002, pp. 319–324; D Walker, *Anxious nation: Australia and the rise of Asia 1850–1939*, University of Queensland Press, St Lucia, 1999, pp. 98–100.

¹⁶⁶ Jupp, 'The quest for harmony', p. 7.

¹⁶⁷ Walker, 'Survivalist anxieties', p. 322.

Using Walker's 'survivalist' framework, it is easy to see how fears of invasion remain tied to an understanding of Australian national sovereignty. In the context of the *Tampa*, anxieties about the 'invasion' of 'unauthorised arrivals' or 'boat people' are founded on the idea of a static and defined 'national space'¹⁶⁸ and are linked to a subconscious understanding that necessitates a battle between 'real' Australians and the 'non-white' 'intruders'.

The Howard Government's reaction to the arrival of 433 asylum seekers played on these fears. Portrayed in terms of national survival¹⁶⁹, latent racial resentments, fears and prejudices were exploited to create a clear 'us' versus 'them' dichotomy. This manipulation of fear had 'profound historical echoes'¹⁷⁰, for it rendered the construction of asylum seekers as a threat to national sovereignty and survival and, moreover, it was a part of deliberate political strategy.

According to John Howard's former Chief of Staff, Arthur Sinodinos, for a government to implement its agenda it 'does really come down to the values and beliefs of the leader, the Prime Minister.'¹⁷¹ Therefore, in order to understand the Howard Government's hardline response to the *Tampa*, it is crucial to examine the personal politics of its leader, John Howard.

7.6.1 The Pre-*Tampa* Politics of John Howard

At the heart of Howard's politics was a depiction of the family as the most crucial element of society. Family was the largest influence on an individual's character and was where 'love, dignity [and] morality'¹⁷² were crafted. In a similar vein, Howard believed that the nation could be understood as an individual's 'societal' family:

¹⁶⁸ G Hage, *White nation: fantasies of white supremacy in a multicultural society*, Pluto Press, Annandale, NSW, 1998, p. 17.

¹⁶⁹ Marr & Wilkinson, *Dark victory*, p. 93.

¹⁷⁰ A Burke, *In fear of security* p. 3.

¹⁷¹ T Iggulden, T Jones & A Sinodinos, 'Rudd's challenge: a Howard confidante gives his assessment', *Lateline*, TV program transcript, 5 February 2008, viewed 17 September 2013, <http://www.abc.net.au/lateline/content/2007/s2155566.htm>.

¹⁷² J Howard, 'Transcript of the Prime Minister The Hon John Howard MP: the inaugural Prime Minister's lecture, Old Parliament House', *Department of Prime Minister and Cabinet transcripts*, 3 September 1997, viewed 17 September 2013, <http://pmtranscripts.dpmc.gov.au/browse.php?did=10467>.

Through the family, the moral, spiritual, ethical and social values of a civilised society are passed from one generation to another so that there is a shared system of values and attitudes that unites a community and enables its members to pursue shared goals from a secure base.¹⁷³

Therefore, the attitudes, concerns and values a person had for his or her family should be equally applied to the context of the nation. By linking family and nationhood, Howard effectively constructed a parallel between an individual's fear of losing his or her family (for example, from a divorce or break-up) and the security the family unit offered and the fear of losing Australian identity or national sovereignty.¹⁷⁴

This core belief and promotion of the family as a quasi-ideological framework consolidated Howard's active determination to be seen as a normal, ordinary man.¹⁷⁵ Howard had little desire to engage in visionary politics and chose instead to portray himself as a man who understood the aspirations and values of mainstream Australians.

People like the fact that they can relate to me . . . I believe in being average and ordinary. One of the reasons I do is that's who I am. I'm out of the lower middle class of Australia . . . That's my background. I'm very proud of it. That's who I am.¹⁷⁶

Such a portrayal, however, offers Howard very little credit as a politician and sorely underestimates his political ambitions and tenacity. Howard was not an 'ordinary' man. Rather, the image of his 'ordinariness' should be understood as a potent political tool that allowed him to silence dissent; champion a divisive, racist politics; and, at the same time, engage with mainstream Australia.¹⁷⁷ For example, throughout

¹⁷³ Liberal Party of Australia & National Party of Australia, *Future directions: it's time for plain thinking*, The Parties, Canberra, 1988, p. 15.

¹⁷⁴ Burke, *In fear of security*, p. 174.

¹⁷⁵ H Mackay, 'The Howard factor', *The Age*, 2007, viewed 27 March 2013 <http://www.theage.com.au/news/opinion/the-howard-factor/2007/06/08/1181089323492.html>. John Howard was described by Mackay as 'attractively boring'; J Howard, 'John Howard reflects on highs and lows as PM', *The 7.30 Report*, TV program transcript, 2 March 2006, viewed 7 February 2014, <http://www.abc.net.au/7.30/content/2006/s1582732.htm>.

¹⁷⁶ Howard, 'John Howard reflects on highs and lows as PM'.

¹⁷⁷ A Markus, *Race*; Hamilton & Maddison (eds), *Silencing dissent*; J Brett, 'Relaxed and comfortable: the Liberal Party's Australia', *Quarterly Essay*, no. 19, 2005; Maddox, *God under*

his political career Howard remained silent on South African apartheid¹⁷⁸; resisted the concept of multiculturalism¹⁷⁹; rejected treaties, separatism and a formal apology to Australia's Indigenous people¹⁸⁰; presented asylum seekers as a threat to border security¹⁸¹; explained racist rhetoric as free speech¹⁸²; and compelled an acceptance of Australian values from new citizens.¹⁸³ Most importantly, he never denied his desire to refashion Australian society and, in 1987, when he was asked if he would take Australia in a different direction if he won the election, he replied: 'That is my aim, yes.'¹⁸⁴

7.6.1.1 South African Apartheid

In his first speech on South Africa, Howard's racism was evident when he chose not to address the apartheid system, but instead spoke out against the Australian Government's plan to ban all sporting links with South Africa until the end of apartheid: 'we are not going to break [apartheid] down by hermetically sealing off South Africa' or by 'preventing cricket contests'.¹⁸⁵ While not overtly racist, Howard's silence on the apartheid system implicitly condoned the discriminatory policy. However, Howard denied any racist intent and insisted that his failure to address the apartheid system was not because he was 'an apologist for apartheid', but

Howard; MacCallum, *Quarterly Essay*; Betts, *The great divide*; D Marr, 'His master's voice: the corruption of public debate under Howard', *Quarterly Essay*, no. 26, 2007.

¹⁷⁸ A Ramsey, *The way they were: the view from the hill of the 25 years that remade Australia*, University of New South Wales Press, Sydney, 2011, pp. 193–96; P Malone, 'Howard's Coalition paid lip service to sanctions against apartheid', *The Canberra Times*, 15 December 2013, viewed 25 February 2014, <http://www.canberratimes.com.au/comment/howards-coalition-paid-lip-service-to-sanctions-against-apartheid-20131214-2ze1y.html>.

¹⁷⁹ Brett, *Quarterly Essay*, pp. 37–39.

¹⁸⁰ John Howard rejected the recommendation of a treaty arguing that it was inappropriate and divisive: J Chesterman & B Galligan, *Citizens without rights: Aborigines and Australian citizenship*, Cambridge University Press, Melbourne, 1997, chap. 7; Howard rejected Indigenous self-determination and introduced the idea of 'practical reconciliation': L Behrendt, 'Avoiding an era of symbolism in Indigenous affairs', in A Loewenstein & J Sparrow, *Political essays for the new Left*, Melbourne University Press, Carlton, 2012; He also refused to issue an apology to the 'Stolen Generations', arguing that current generations should not be responsible for mistakes of the past: R Manne, 'In denial: the stolen generations and the Right', *Quarterly Essay*, no. 1. See also M Grattan (ed.), *Reconciliation: essays on Australian reconciliation*, Bookman Press, Melbourne, 2000.

¹⁸¹ McMaster, *Asylum seekers*; MacCallum, *Quarterly Essay*. Whole texts applicable.

¹⁸² R Manne, 'The Howard years: a political interpretation'. John Howard refused to condemn Pauline Hanson's race-based politics and justified his stance with arguments that he was championing free speech.

¹⁸³ This took the form of a citizenship test. Department of Immigration and Border Protection, 'Citizenship Test'.

¹⁸⁴ Quoted in N Abjorensen, *John Hewson: A biography*, Lothian Books, Port Melbourne, 1993, p. 13.

¹⁸⁵ J Howard, quoted in Ramsey, *The way they were*, p. 193.

because he was disappointed ‘as a keen follower of cricket’ to learn that the tour had been cancelled.¹⁸⁶

Despite denials of racism, ten years later Howard’s position remained unchanged. He did not support apartheid, he insisted, but he would not support economic sanctions against the South African apartheid regime: ‘Sanctions will inevitably hurt the poor blacks in South Africa more than any other section of the South African population.’¹⁸⁷ In the following year, he continued to justify his objections, stating that: ‘Of course the situation in South Africa is deplorable. [But] I do not believe that economically isolating South Africa will bring about a change of heart in that country.’¹⁸⁸

7.6.1.2 Immigration and Multiculturalism

In the 1980s Howard’s xenophobic sentiment found a new target—Asian immigration. The combination of high unemployment along with the arrival of 90,000 Vietnamese and Cambodian refugees saw Australia’s immigration policy become a political issue.¹⁸⁹ Critical of any move towards increased (‘coloured’) immigration or multiculturalism, Howard argued that ‘multiculturalism is in effect saying that it is impossible to have an Australian ethos, that it is impossible to have a common culture. So we have to pretend that we are a federation of cultures and that we’ve got a bit from every part of the world. I think that is hopeless.’¹⁹⁰ Effectively Howard was defining what it meant to be a contemporary ‘Australian’ and his definition eerily echoed the sentiments of his predecessor, Prime Minister Alfred Deakin, over 100 years before, who argued that ‘the unity of Australia is nothing, if that does not imply a united race . . . one inspired by the same ideas.’ So Howard’s definition of an Australian was not new; rather, it was a strengthening of a definition that had formed in nineteenth-century colonial Australia and that had never completely left the Australian psyche.

¹⁸⁶ *ibid.*

¹⁸⁷ *Justinian*, ‘When talk of racism is not just cricket’, *The Sydney Morning Herald*, 16 December 2005, viewed 29 April 2012,

<http://www.smh.com.au/articles/2005/12/15/1134500961607.html?page=2>.

¹⁸⁸ J Howard, quoted in Ramsey, *The way they were*, p. 195.

¹⁸⁹ W Errington & P Van Onselen, *John Winston Howard*, Melbourne University Publishing, Carlton, Vic, 2007, pp. 111–12.

¹⁹⁰ Quoted in J Brett, *Quarterly Essay*, p. 37.

Cynical of multiculturalism, or any form of separatism, Howard insisted in 1988 that Asian immigration to Australia was unsettling and should be significantly reduced in an effort to support ‘community cohesion’:

I do believe that, if [the level of Asian immigration] is in the eyes of some in the community, it’s too great, it would be in our immediate term interest and supportive of social cohesion if it were slowed down a little, so that the capacity of the community to absorb was greater.¹⁹¹

The explicit nature of his racism, however, provoked widespread criticism, and despite his denials of racist intent—‘they could call it racist if I were saying we should never ever take people from a particular part of the world’¹⁹²—Howard lost the leadership of the Liberal Party.¹⁹³ This political setback taught him a valuable lesson and in future interviews and speeches he was careful to express similar viewpoints in a far more covert manner in order to conceal his real race agenda. Indeed, rather than inflame public opinion a second time, Howard avoided the multiculturalism issue entirely on the 1996 election campaign.¹⁹⁴

Howard’s ambivalent attitude towards race did not lay dormant for long and soon after becoming prime minister, the Howard Government began to impose a new set of restrictions on race. Immigration to Australia was made more difficult, family reunion laws were made tougher, costs of processing were increased and welfare payments became subject to a two-year waiting period. This, however, was just the beginning of Howard’s race game and his next targets would be refugees in leaky boats.¹⁹⁵

¹⁹¹ Quoted in Collins, *Migrant hands in a distant land*, pp. 302–03; W Errington & P Van Onselen, *John Winston Howard: the definitive biography*, Melbourne University Press, Carlton, Vic, 2008, p. 157.

¹⁹² D Barnett, ‘Why I am right’, interview with John Howard, *The Bulletin*, 6 September 1988, pp. 156–60.

¹⁹³ R Kuhn, ‘Xenophobic racism and class during the Howard years’, *Marxist interventions*, 1, 2009, p. 2, viewed 17 March 2013, <http://www.anu.edu.au/polsci/mi/1/mi1kuhn.pdf>.

¹⁹⁴ Jupp, *From Australia to Woomera*, p. 139.

¹⁹⁵ A Jakubowicz, ‘“We’ll fight them on the beaches . . .”’: Australian immigration policy faces the new century’, *Meanjin*, vol. 58, no.3, 1999, pp. 106–17.

7.7 The New Enemy

Hobbes believed that ‘the original of all great and lasting societies consisted not in the mutual good will men had towards each other, but in the mutual fear they had of each other.’¹⁹⁶ He might have been right. Fear is one of the most powerful human emotions and has always been a potent political tool. In the late fifteenth century, Machiavelli observed that the decisions made by the Italian states following the fall of Constantinople were influenced by a fear of the advancing Turks.¹⁹⁷ While in the United States, the first ‘Red Scare’ saw imaginings of a Bolshevik-style revolution engulf the imagination of American society.¹⁹⁸ In the same way, Australia’s early fears over ‘coloured’ immigration were linked to a historical imagining of the ‘Other’, such as the ‘devious’ Chinese or the ‘primitive’ South Sea Islander. Importantly, these examples share a similarity: they were all linked to specific and distinct objects of fear.

Contemporary fears over asylum seekers or boat people are far more pervasive and destructive as these fears have no single definable entity or origin. Fears of asylum seekers are therefore conceptual rather than actual. In this way, the fears are not that a war-like invasion will occur, but rather that the invasion is unpredictable and limitless. Thus, contemporary fears over asylum seekers and refugees are linked to both a historical understanding of Australian ‘vulnerability’ and a more contemporary anxiety over the chaos of globalisation.

7.7.1 Negative Campaigning

The Howard Government had emerged as a detractor of the global refugee system long before the *Tampa* arrived on the shores of Christmas Island. In 1999, for example, Liberal Senator Ross Lightfoot, in a letter to the editor of *The Australian*, argued that boat people were inherently incompatible and undesirable. Boat people, he contended, were linked to criminal elements and often brought with them many diseases and in this way, ‘would threaten the peace of mind and sense of security of

¹⁹⁶ J Farrell, *Paranoia and modernity: Cervantes to Rousseau*, Cornell University Press, New York, 2006, p. 128.

¹⁹⁷ FG Whelan, *Hume and Machiavelli: political realism and liberal thought*, Lexington Books, Lanham, MD, 2004, p. 182.

¹⁹⁸ MJ Heale, *McCarthy’s Americans: red scare politics in state and nation: 1935–1964*, University of Georgia Press, Athens, GA, 1998.

many Australians, by way of their divergent lifestyle, culture, outlook and values.’¹⁹⁹ In the same year, Immigration Minister Philip Ruddock launched an ‘overseas information campaign’ that had been explicitly designed to discourage unauthorised migration to Australia. Using videos of crocodiles and sharks along with the slogan ‘It’s not worth the risk’, the campaign intentionally portrayed Australia as a wild and dangerous destination, particularly for those arriving by boat.

In May 2000 the Department of Immigration and Multicultural Affairs along with the Australian Federal Police (AFP) established a People Smuggling Strike Team (PSST).²⁰⁰ The PSST was to provide ‘a centrally directed, highly mobile investigative capacity against organised people-smuggling syndicates operating in Australia and overseas.’²⁰¹ In cooperation with other Australian agencies, such as the Australian Customs Service, Coastwatch, the Department of Foreign Affairs and Trade and other relevant intelligence organisations, the main aim of the PSST was to investigate, disrupt and combat people smuggling.²⁰²

7.7.2 Boat arrivals

According to the AFP, in Australia there are two separate types of unauthorised boat arrivals. The first type, classified as ‘Overt’, refers to passengers who, upon arrival in Australia, happily declare themselves to Australian authorities and seek refugee status. The second, classified as ‘Covert’, refers to sophisticated smuggling ventures where ‘clients know they have to land and establish themselves in the community . . . without being detected because they do not have a high chance of successfully claiming refugee status.’²⁰³ Significantly, all vessels originating from Indonesia, generally carrying Iraqis and Afghans, fall into the Overt category. In contrast, the Covert category applies mainly to illegal arrivals from the Peoples Republic of China.²⁰⁴ This statement is supported by the Refugee Council of Australia, which affirmed that the vast majority of Iraqi and Afghan asylum seekers arriving by boat

¹⁹⁹ R Lightfoot, ‘Letter to the editor’, *The Australian*, 24 November 1999, p. 12.

²⁰⁰ T McInerny, *Platypus Magazine*.

²⁰¹ Australian Federal Police, ‘People smuggling’, 2014, viewed 7 December 2014, <http://www.afp.gov.au/policing/people-smuggling.aspx>; McInerny, *Platypus Magazine*.

²⁰² McInerny, *Platypus Magazine*.

²⁰³ *ibid.*

²⁰⁴ *ibid.*

were ultimately found to be refugees and consequently granted permanent protection visas.²⁰⁵

7.8 An Ordinary Racism

Some commentators have argued that the Howard Government's tough stance on border control was necessary rather than racist. Switzer, for example, argues that the Howard Government's policy prevented future potential immigrants from seeing Australia as a 'soft' touch or an easy immigration destination.²⁰⁶ Similarly, Flint contends that the Howard Government had very few options available to it. A line had to be drawn, he argues, or the currently manageable problem would have inevitably spiralled out of control.²⁰⁷

Howard's university contemporary Marcus Einfeld, while acknowledging Howard's 'incredible single-mindedness', remarked that his leadership failure on asylum seekers was not deliberately racist, but rather due to his limited cultural and life experiences:

I don't believe he would discriminate against a person because of their race. Rather he is unfamiliar with the issues. He never mixed with other cultures, or travelled to the Australian interior to see the Aboriginal people. He just doesn't have the feel for it. I would say he is racially unfamiliar.²⁰⁸

Using Einfeld's idea of a 'racially unfamiliar' worldview, Errington and Van Onselen contend that 'the label "racist" has been too easily and too often hurled at John Howard.'²⁰⁹ Instead, they suggest that Howard's xenophobic views reflect his ignorance of racial issues, rather than a deliberate and self-interested racism. Henderson agrees, arguing that Howard's upbringing within the confines of a

²⁰⁵ Refugee Council of Australia, 'Statement on "illegal" boat arrivals', 15 November 1999, viewed 29 November 2013, <http://www.refugeecouncil.org.au/docs/resources/ppapers/pp-nov99.pdf>. In 1998–99 approximately 97% of Iraqi and 92% of Afghan asylum seekers were found to be genuine refugees.

²⁰⁶ T Switzer, 'On the death of Hansonism', *Quadrant*, vol. 47, no. 10, 2003, p. 38.

²⁰⁷ D Flint, 'The protection of our borders', *Quadrant*, vol. 46, no. 1, 2002, pp. 24–25.

²⁰⁸ R Wainright & T Stephens, 'Canterbury tales', *The Sydney Morning Herald*, 18 September 2004, viewed 10 January 2014, <http://www.smh.com.au/articles/2004/09/17/1095394004427.html>.

²⁰⁹ Errington & Van Onselen, *John Howard: the definitive biography*, p. 157.

protective, predominantly Liberal, Anglo-Celtic family in a suburb devoid of migrants, Indigenous Australians or poverty led him to the impression that Australia was a fair and egalitarian place. The world outside, was thus one of which Howard was completely unaware.²¹⁰

The authors therefore argue that it is important to understand that Howard is not *intentionally* racist. Rather, his xenophobia and racism is largely automatic or unconscious—he finds ‘his [racist] remarks unexceptional’²¹¹—and reflect an ordinary, everyday racism. In fact, ‘it is a common Australian trait’, they note, ‘to be simultaneously friendly to all-comers on a personal level while holding social and political views that encompass discrimination.’²¹²

7.9 Conclusion

Ultimately, the events of the *Tampa* highlighted the continuing relevance of institutional racism in Australian contemporary society. Overt xenophobia, rather than derided, was heralded as a return to free speech,²¹³ and irrational fears about the ‘floods’ of boat people arriving on Australian shores, signified a symbolic return to White Australia. As Mirko Bagaric, Professor of Law at Deakin University argued in the *Sydney Morning Herald*: ‘Even in the supposed enlightenment of the 21st century, most still prefer people of their own type and find different cultures jarring. Foreigners are tolerated, but only to the extent that they have something to offer.’²¹⁴ For the 433 asylum seekers on board the *Tampa*, this was an undeniable reality. With their status as refugees in question, combined with their alien, ‘non-white’ cultural backgrounds, the Australian populace eagerly and unquestioningly pandered to government-sanctioned racism and populism, with the plight of those on board secondary to the maintenance of an Australia for ‘white’ Australians only.

²¹⁰ G Henderson, *A Howard Government?: Inside the coalition*, HarperCollins, Pymble, NSW, 2005, p. 26.

²¹¹ Errington & Van Onselen, *John Howard: the definitive biography*, p. 157.

²¹² *ibid.*

²¹³ R Manne, ‘The Howard Years: A Political Interpretation’ in R Manne (ed), *The Howard years*, p. 16. In a conference two weeks after Pauline Hanson’s maiden speech, Howard refused to condemn her racist political opinions, stating that: ‘One of the great changes that have come over Australia in the last six months . . . is that people do feel free to speak a little more freely and a little more openly about what they feel. In a sense the pall of censorship on certain issues has been lifted.’

²¹⁴ M Bagaric, ‘Migration can end worldwide poverty’, *The Sydney Morning Herald*, 7 April 2010, viewed 29 November 2013, <http://www.smh.com.au/federal-politics/political-opinion/migration-can-end-worldwide-poverty-20100406-rpaf.html>.

Chapter 8

Conclusion: Where to from here?

‘All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person.’¹

When I first embarked on writing this thesis about contemporary Australian government responses to refugees and asylum seekers, I was primarily interested in examining the lingering impact of race within Australian political and societal discourse. The Howard era in particular, appeared to have heralded a new push towards exclusionary race-based immigration legislation. Indeed, government rhetoric during these years had increasingly relied on fear politics and overt nationalism², with societal discourse emphasising the innate incompatibility of certain cultures with the Australian ‘way of life’.

Such incompatibilities were linked extensively to the rise of terrorism and the associated global ‘threat’ of Islamic extremism, especially following the terrorist events in the United States on 9 September 2001. Immigrants arriving by boat were particularly singled out as fearsome and underhanded in their immigration approach, with both political and societal discourse emphasising ‘real, official channels’ as opposed to the so-called back-door method. With both the Australian media and Government fanning the flames of fear politics, it seemed plausible that immigration was simply a topical global issue manipulated by the Howard Government to strengthen and maintain its political power.

Nevertheless, as my research progressed, I soon found that the impact of race and racism on contemporary Australian government responses to refugees could not be

¹ International Covenant on Civil and Political Rights (ICCPR), Article 10(1), viewed 17 January 2014, <http://www.un.org/esa/socdev/enable/rights/ahcstata14refinthr.htm>.

² See: Chapter 7 above

reduced to singular, isolated events. In fact, in the fourteen years since the arrival of the *Tampa*, Australia has seen a significant rise in the number of unauthorised boat arrivals on its shores³, coinciding with a similar increase in the number of refugees and asylum seekers worldwide.⁴ Processes of third country offshore processing, first introduced by the Howard Government, and the excision of Christmas, Ashmore, Cartier and Cocos (Keeling) Islands, have been sustained and maintained⁵, while Australian discourse has continued to condemn boat arrivals as ‘queue jumpers’ and ‘backdoor’ entry seekers.

In particular, it was the detention of German-born, Australian permanent resident Cornelia Rau that caught my attention. Suffering from a mental illness, Rau had disappeared from a Manly hospital in March 2004. With her family fearing for her whereabouts, and despite being listed as a missing person with the New South Wales police⁶, it was ten months before she was found—imprisoned at Baxter detention centre⁷, an immigration facility for ‘suspected non-citizens’.⁸

The scandalous treatment of Rau, along with that of Filipino-born, Australian citizen Vivian Alvarez Solon⁹, caused me to wonder whether the experiences of Rau and Alvarez Solon reflected the lived experiences of the ‘suspected non-citizens’ who were arriving on Australian shores and led me to pursue a broader understanding of Australian immigration policy.

³ J Phillips, ‘A comparison of Coalition and Labor government asylum policies in Australia since 2001’, *Parliament of Australia Research Papers*, 28 February 2014, viewed 4 March 2014, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/AsylumPolicies.

⁴ J Miller, ‘The number of refugees worldwide is going up’, *Globalpost*, 19 June 2013, viewed 7 March 2014, <http://www.globalpost.com/dispatch/news/war/130619/refugees-worldwide-numbers-stats-displaced-people-afghanistan-somalia-sudan-syria-iraq>.

⁵ Phillips, ‘A comparison of Coalition and Labor government asylum policies in Australia since 2001’.

⁶ ‘Immigration policy racist: Rau’s Lawyer’, *The Sydney Morning Herald*, 26 September 2005, viewed 14 January 2014, <http://www.smh.com.au/news/National/Immigration-policy-racist-Raus-lawyer/2005/09/26/1127586792035.html>.

⁷ Officially: Baxter Immigration Reception and Processing Centre.

⁸ R Manne, ‘The unknown story of Cornelia Rau’, *The Monthly*, no. 5, September 2005, viewed 10 January 2014, <http://www.themonthly.com.au/issue/2005/september/1315447714/robert-manne/unknown-story-cornelia-rau>.

⁹ BA West & FT Murphy, *A brief history of Australia*, Facts on File, New York, 2010, p. 244. Vivian Alvarez Solon, an Australian citizen, was found without her passport and suffering from serious physical and mental trauma. After spending months in hospital, and despite her own claims of Australian citizenship and her family’s efforts to find her, Alvarez Solon was declared an ‘illegal immigrant’ and deported to the Philippines by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). It was four years before she was found—living in a hospice for the destitute and dying in Manila.

Despite being aware of Australia's harsh mandatory detention policies, until that point I had mostly remained oblivious to the significance and impact of race and racism on Australian immigration policy. Australia, I believed, was diverse, egalitarian and tolerant—a cohesive multicultural society strongly committed to universal human rights. Racism, while observable in specific contexts, was an anomaly and not representative of Australian society at large. The automatic detention of asylum seekers and refugees was, accordingly, not intentionally racist, but rather an unfortunate measure necessary to determine the veracity of claims for humanitarian protection.

As I began to question the existence and nature of racism in Australia, I realised that casual racist understandings were a part of our everyday lived experiences and, moreover, that racism, while observable, is rarely acknowledged and frequently trivialised. The 2005 Cronulla race riots in Sydney for example, were dismissed as a unique anomaly, with the then Prime Minister John Howard insisting that 'there is no underlying racism'¹⁰ in Australian society.¹¹ Later, in 2007, opponents to the proposed development of an Islamic school in Camden denied criticisms of racism¹², with one resident declaring, 'I am not a racist person – far from it as I too come from a migrant background.'¹³

As this thesis has shown, the Howard government effectively manipulated public opinion by creating a dichotomy of 'deserving' and 'undeserving' asylum seekers and refugees according to their method of arrival.¹⁴ Unfortunately, not much has changed and in the years to follow, this dichotomy was further emphasised. The Rudd government for example, tried to appear non-racist by selling a position that seemingly straddled the polarisation between national security and human rights by

¹⁰ J Howard, quoted in J Harley, 'Race riots erupt in Sydney', *7.30 Report*, TV program transcript, Australian Broadcasting Corporation (ABC), 12 December 2005, viewed 11 October 2013, <http://www.abc.net.au/7.30/content/2005/s1529509.htm>.

¹¹ J Howard, 'Press conference Phillip Street, Sydney', *PM transcripts*, 12 December 2005, viewed 11 October 2013, <http://pmtranscripts.dpvc.gov.au/browse.php?did=22077>. Howard also urged Australians 'not to rush to judgment' in his desire to take a more 'optimistic' view of the Australian people.

¹² R Al-Natour, 'Racism, ragheads and rednecks', *Nebula: Journal of Multidisciplinary Scholarship*, vol. 7, no. 1, 2010, viewed 2 January 2014, <http://nobleworld.biz/images/Al-Natour.pdf>. This text provides an overview of the racism incited by the proposed development of an Islamic school in Camden.

¹³ G Bennett, 'Your say', Letter to the editor, *Camden Advertiser*, 24 October 2007, p. 2.

¹⁴ RCOA, 2003, 68

declaring its government policy 'tough but human', Similarly the Gillard government continued to maintain a race agenda and dichotomy, noting the need for an 'orderly system' where no one should be able to gain 'an unfair advantage' or 'subvert orderly migration programs'.¹⁵

Overall since 2001, Australian debates on IMA asylum seekers in particular have predominantly centred on the idea that refugees view the Australian state as a 'soft touch. Moreover, as Australia's treatment of refugees and asylum seekers becomes increasingly politicised, the demarcation between the 'good' and 'genuine' refugees arriving via official channels and the 'illegal' or 'unauthorised' boat people who arrive unannounced, continues to influence Australian society. In this way, the arrival of those seeking asylum is understood as a reflection of a desire for a better or easier way of life, rather than a journey of necessity.

It is easy to dismiss the plight of refugees when they are systematically excluded and hidden from society's view. The reality, however, is that seeking asylum is not as straightforward as filling out a form. Crucially, with approximately 200 countries around the world and 'only 75 Australian embassies and consulates', it is simply not possible for every asylum seeker to 'queue'. The Australian High Commission in Nairobi, Kenya for example, has a total of 2.5 staff to deal with the refugee applications 'from the closest 34 countries.' As Jolly contends, 'No wonder this High Commission has 9000 outstanding applications.'¹⁶

The fundamental argument of the thesis is therefore that in the Australian context, race is often mistakenly viewed in isolated terms or attributed to its White Australia Past. Ideas of race however, are not simply a part of Australian history and rather are structural, thereby continuing to resound in Australia's contemporary refugee policies.

Indeed, racism in Australia does not simply exist as a dormant reminder of the past. Rather, it is manipulated and moulded into a new, cultural racism to exclude those outside the confines of 'Australian-ness' and to ensure that those displaced continue

¹⁵ Pickering, 2005

¹⁶ S Jolly, 'That which surrounds us: refugees, racism and capitalism in Australia', *Socialist Party of Australia*, (pamphlet), Collingwood, Vic, 2002, p. 31.

to remain invisible non-entities. As the poem written by an asylum seeker on Manus Island exemplifies, refugees in contemporary Australia are invariably in ‘green hell’—out of sight and out of mind.

Green Hell¹⁷

We can't go back
We can't go on

(Here is Green hell)

We can't stay
We can't run away

(Here is green hell)

We're left in the middle
Without a chance to settle

(Here is green hell)

What was our fault?
Why did you banish us?

(Here is green hell)

Kindness is scarce
Love has vanished

(Here is green hell)

This is not fiction
This is a true story

(Here is green hell)

Please help us
Please help us

(Here is green hell).

¹⁷ *Green Hell*, viewed 15 April 2014, <http://riserefugee.org/post/82338911881/letter-and-poem-from-manus-island-detention-camp-with>. A poem from Manus Island Detention Camp with a request that it be included in Palm Sunday rallies on 11 April 2014.

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